

ITEM NO.1

VIRTUAL COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Criminal) No.154/2020

VINOD DUA

Petitioner

VERSUS

UNION OF INDIA & ANOTHER

Respondents

(FOR ADMISSION; IA No.54840/2020 - FOR CLARIFICATION/DIRECTION;
and, IA No.54841/2020 - FOR EXEMPTION FROM FILING TYPED DOCUMENTS)

Date : 14-06-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. Vikas Singh, Sr. Adv.
Mr. Varun Singh, Adv.
Mr. Nitin Saluja, AOR
Ms. Deepika Kalia, Adv.
Mr. Akshay Dev, Adv.
Ms. Deepti Arya, Adv.
Mr. Rishabh Rana, Adv.
Mr. Mritunjay Singh, Adv.

For Respondent(s) Mr. Tushar Mehta, Solicitor General
Mr. Kanu Agrawal, Adv.
Mr. B.V. Balaram Das, AOR

UPON hearing the counsel the Court made the following
O R D E R

A Notice for Appearance dated 11.06.2020 was issued by the office of Station House Officer, Police Station Kumarsain, District Shimla, Himachal Pradesh, under Section 160 Cr.P.C. to the following effect:

"A Case FIR No.53/2020 Dated 06.05.2020 U/s 124A, 268, 501, 505 IPC has been registered in Police Station Kumarsain, Distt. Shimla, HP on the complaint of Sh. Ajay Shyam, Vill & PO Kiara, Tehsil Theog, Distt. Shimla HP

against (You) Mr. Vinod Dua Journalist, HW News Network. In above said case your presence is required for interrogation.

So you are therefore directed to join investigation at Police Station Kumarsain on or before 13/06/2020 at 10 am sharp."

A response to the above notice was sent by the petitioner on 12.06.2020 stating *inter alia*:

"I have received your notice dated 11.06.2020 seeking my physical presence for the interrogation of FIR dated 06.05.2020, on 13.06.2020 before the police station in Kumarsain, Himachal Pradesh.

I wish to bring to your notice as per Himachal Pradesh covid guidelines dated 11.05.2020, any person coming from the red zone is directed to be in institutional quarantine for a period of 14 days. Since I reside in New Delhi which is currently a red zone, I would be forced to be in quarantine for a period of 14 days.

Further, I wish to bring to your kind notice that I am 66 plus years old. Therefore, as per MOH guidelines, all citizens of 65 plus age are asked not to travel due to health safety risks.

Further I suffer from Thalassemia minor with Iron deficiency anaemia, pancytopenia (low red & white blood cell and low platelet count), chronic liver disease with portal hypertension & splenomegaly, diabetes and hypothyroidism. I also have oesophageal varices with a high risk of bleeding. Therefore doctors have stated that stepping out of my house would be life endangering. I am attaching my medical cer herewith.

Meanwhile, I would join the investigation through email or any other online mechanism."

The petitioner has thereafter filed the present petition seeking following principal relief:-

"a. Quash FIR No.0053 dated 06.05.2020 registered at Police Station Kumarsain, District Shimla, Himachal Pradesh."

Issue notice, returnable on 06.07.2020.

Mr. Tushar Mehta, learned Solicitor General, who appears on caveat, accepts notice on behalf of both the respondents. He prays for and is allowed two weeks' time to put in affidavit in reply.

Rejoinder, if any, be filed within a week thereafter.

Since the original complainant is not a party to the proceedings, we direct that the original complainant, whose details are available at page nos.28 and 29 of the paperbook, be made a party to the proceedings.

Notice shall also be issued to the complainant, returnable on 06.07.2020.

Mr. Vikas Singh, learned Senior Counsel appearing for the petitioner submitted that the Himachal Pradesh Police had contacted the petitioner day before yesterday in connection with the investigation in the crime referred to above.

Considering the circumstances on record, we deem it appropriate to direct as under:

- (a) Pending further orders, the petitioner shall not be arrested in connection with the present crime;
- (b) However, the petitioner in terms of the offer made by him in his communication dated 12.06.2020, shall extend full cooperation through Video Conferencing or Online mode; and
- (c) The Himachal Pradesh Police shall be entitled to carry on the investigation including interrogation of the petitioner at his residence after giving him

prior notice of 24 hours and complying with the Social Distancing norms prescribed during Covid-19 Pandemic.

The affidavit in reply filed on behalf of the State shall indicate the steps taken during investigation and a complete Status Report shall be filed before the next date of hearing. The concerned Investigating Officer shall remain personally present in case the open Court hearing is resumed by this Court or shall be available in case the proceedings are taken up through Video Conferencing mode.

(MUKESH NASA)
COURT MASTER

(VIRENDER SINGH)
BRANCH OFFICER