

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s).2190/2021

(Arising out of impugned final judgment and order dated 21-01-2021 in CRMC No.108/2021 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

SANJAY SINGH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(IA No.12268/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.12498/2021 - EXEMPTION FROM FILING O.T., IA No.12266/2021 - EXEMPTION FROM FILING O.T., IA No.12497/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.12269/2021 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER)

WITH

W.P.(Cr1.) No. 55/2021 (X)

(IA No.12272/2021 - CLARIFICATION/DIRECTION, IA No.12477/2021 - EXEMPTION FROM FILING O.T., IA No.12273/2021 - EXEMPTION FROM FILING O.T., IA No.12476/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 09-02-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s)

Mr. Vivek K. Tankha, Sr. Adv.
Mr. Sumeer Sodhi, AOR
Mr. Varun Tankha, Adv.
Mr. Aman Nandrajog, Adv.
Mr. Hussain Ali, Adv.
Ms. Jhanvi Dubey, Adv.
Mr. Sourav Roy, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Diary No(s).2190/2021

Permission to file SLP without certified copy of the impugned order is granted.

Mr. Vivek Tankha, learned senior counsel submits that the sanction granted by the Hon'ble Governor refers to Section 197 of the Code of Criminal Procedure (Cr.P.C) whereas sanction ought to have been granted under Section 196, Cr.P.C. He further submits that the petitioner being Member of Parliament (Rajya Sabha), permission of the Chairman of Rajya Sabha ought to have been obtained before prosecuting the petitioner.

Issue notice.

Learned counsel for the petitioner is permitted to serve the standing counsel for the State of Uttar Pradesh.

In the meantime, we direct that the petitioner be not arrested in Crime No. 221 of 2020 under Sections 153A, 153B, 501, 505(2), IPC registered at P.S. Hazratganj, Lucknow.

Counter affidavit be filed within two weeks.

Looking into the nature of the issue which has been raised in the present case, the matter needs to be finally decided on the next date. List the matter in the third week of March, 2021.

W.P.(Cr1.) No. 55/2021

Issue notice limited to the question as to whether the FIRs registered against the petitioner as mentioned at page B and C at Sr. Nos.1 to 7 of Synopsis be clubbed with FIR mentioned at Page C at Sr. No.8 registered at P.S. Hazratganj, Lucknow, Crime No. 221 of 2020.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER