

ITEM NO.3

COURT NO.2

SECTION II

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

Petition(s) for Special Leave to Appeal (Cr1) No(s).5701-5702/2011

(From the judgement and order dated 28/07/2011 and 29/07/2011 in
No.1820/2011 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

CRLR

C.B.I. & ANR.

Petitioner(s)

VERSUS

INDER SINGH PUNDIR & ANR.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment,
ex-parte stay and impleadment and office report)

Date: 04/08/2011

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr. G.E. Vahanvati, A.G.
Mr. Gaurab Banerji, A.S.G.
Mr. T.A. Khan, Adv.
Mr. S.A. Haseeb, Adv.
Mr. Nishan Patil, Adv.
Mr. Arvind Kumar Sharma, Adv.
Mr. V.S. Shukla, Adv.

For Respondent(s)

Mr. Ravi P. Mehrotra, Adv.
Mr. Vibhu Tiwari, Adv.

Mr. Sanjay Kr. Tyagi, Adv.

UPON hearing counsel the Court made the following

O R D E R

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These special leave petitions were filed by the Central Bureau of Investigation and one Shri Javeed Ahmad, Joint Director, C.B.I., Lucknow Zone (HOZ), in peculiar circumstances. The same are directed against the orders dated 28th July, 2011, and 29th July, 2011, passed by a learned Single Judge of the Allahabad High Court, in Criminal Revision No.1820 of 2011, filed by one Shri Inder Singh Pundir and another.

It appears that one Anurag Khanna, Advocate, was appearing for the Central Bureau of Investigation (C.B.I.), since the month of February, 2011, but on 28th July, 2011, a prayer was made on his behalf for the matter to be passed

over for the day. At that point of time, the learned Judge took up an issue to the effect that Shri Khanna had never been appointed as C.B.I. counsel and that his appearance all along had been illegal. Presuming that the second petitioner herein, Shri Javeed Ahmad, had appointed Shri Khanna to appear on behalf of the C.B.I., the learned Judge decided to investigate the matter further regarding the role played by Shri Javeed Ahmad in the appointment of Shri Anurag Khanna, to represent the C.B.I. in the pending case.

This led to the matter being listed once again on the next date (29.7.2011), when a notification appointing one Shri Pranay Krishna, as counsel of the C.B.I., was brought to the notice of the learned Judge, who thereupon directed Shri Javeed Ahmad to appear before him in person on 1st August, 2011. It is the said order which prompted the filing of the special leave petitions.

During the hearing of this matter, we had requested the learned Attorney General to inform us as to how Shri Anurag Khanna had been appearing in the matter on behalf of the C.B.I. in the Allahabad High Court. We had also requested the learned Attorney General to give us an idea as to how the appointments are made for appearance on

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behalf of the C.B.I.

From the affidavit filed on behalf of the C.B.I. in Court today, it appears that the name of Shri Anurag Khanna, along with others had been sent to the Director of Prosecution on 2nd February, 2010, for being empanelled for the purpose of representing the C.B.I. in the matters before the Allahabad High Court. The appointment was ultimately made on 23rd April, 2010. Furthermore, on 26th April, 2010, a letter was written to Shri Anurag Khanna and a list of 238 files/matters was handed over to him. A similar letter was written to one Shri Nazrul Islam Jaffrey and 149 files were transferred to him also. As stated, this was done bonafide, to ensure that the C.B.I.'s representation did not suffer. It also appears that the period during which Shri Anurag Khanna appeared from the month of April, 2010, till 4th February, 2011, has been regularized. Accordingly, as far as this part of the story is concerned, the same may be treated as closed.

However, we are not very happy with the manner in which the two orders dated 28th July, 2011 and 29th July, 2011, were passed and, accordingly, while setting aside the said orders, we also request the Chief Justice of the Allahabad High Court to have the matter heard by another learned Judge of the High Court. The remarks made in the two orders, referred to hereinabove, shall also stand expunged.

The special leave petitions are, accordingly, disposed of.

(Chetan Kumar)
Court Master

(Sharda Kapoor)
Court Master