

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO.129/2022

SUKASH CHANDRA SHEKHAR @ SUKESH & ANR. PETITIONER(S)

VERSUS

UNION OF INDIA & ANR. RESPONDENT(S)

O R D E R

The petitioners herein are undertrials accused of various offences and implicated in several FIRs.

This Court by an order dated 17.06.2022, after hearing the learned counsel for the parties, had made the following order :

“In the facts and circumstances, without entering into the rival contentions, it would be appropriate to transfer the Petitioners to some other jail so to allay the apprehension of all concerned.

As requested, list on 20.06.2022 to enable the respondents to take a decision on the appropriate jail to which the petitioners can be transferred.”

Subsequently, on 23.06.2022, the Enforcement Directorate moved an application (I.A. No.87378 of 2022), seeking vacation/recall of the order dated 17.06.2022.

The application sought to bring to the notice of this Court the conduct of the petitioners whilst in jail. It was alleged that the first petitioner accused of having committing various offences including extortion, had during the period of his stay in jail, been in communication with the parties with the use of cellphones. It was also alleged that the petitioners used to continuously pass documents and clandestinely were involved in extortion.

In the meanwhile, this Court on 23.06.2022, on the basis of its previous order dated 17.06.2022 had recorded as follows:

“When this matter was taken up on 21.06.2022 upon hearing the learned Solicitor General on the application for impleadment filed on behalf of the Enforcement Directorate, we observed that further submissions on behalf of respondents would be heard only after compliance on receipt of their decision/suggestion as relates the appropriate jail to which the petitioners could be transferred.

Subsequently, an application vis., I.A.D. No.87378/2022 is filed on behalf of the Directorate of Enforcement seeking vacation/recall of order dated 17.06.2022. As noticed hereinbefore, the Enforcement Directorate is only a party seeking impleadment and at the same time on 17.06.2022, there was a direction to the respondents presently in the array of parties to take a decision on the

appropriate jail to which the petitioners could be transferred. Since this Court specifically observed the other day that the matter would be heard further only upon furnishing the name of the appropriate jail. We are of the view that the matter need be proceeded further only upon receipt of the same.

Shri S.V. Raju, learned Additional Solicitor General, on instructions, submitted that the appropriate jail in the event of an order for shifting would be Mandoli Jail in Delhi guarded by para-military force and he has hastened to add that this submission may be taken as one without prejudice to the right of the respondents to canvass the position that shifting of the petitioners from Tihar Jail is unwarranted."

After the above order, this petition was listed and heard on several occasions. During the course of these hearings both the petitioners as well as the respondents filed numerous applications and also brought on record several additional documents.

The broad thrust of the petitioners' argument is that jail officials were extorting amounts on a monthly basis, for allegedly providing security. On the other hand, the respondents broadly urged that the petitioners were using the jail officials in the passing of documents and for their own extortion or other illegal/illicit

business purposes.

It appears that the respondents have taken action against several jail officials and personnel as a consequence of these proceedings. Whether this bears out the petitioners' allegations or independently substantiates the respondents' allegations that they were using the jail as a hub for their questionable activities is not a matter for this Court to investigate; it is best left for the concerned authorities to do so.

Having considered the materials on record and also having regard to the order made on 17.06.2022, this Court is of the opinion that in terms of the statement made by the respondents on 23.06.2022, the petitioners should be shifted to Mandoli jail within a week from today. It is accordingly ordered.

The writ petition and pending applications including application for impleadment are disposed of.

.....J.
(S.RAVINDRA BHAT)

.....J.
(SUDHANSHU DHULIA)

New Delhi,
August 23, 2022

ITEM NO.1

COURT NO.2

SECTION X

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

Writ Petition(s)(Criminal) No(s). 129/2022

SUKASH CHANDRA SHEKHAR @ SUKESH & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(FOR ADMISSION[FOR DISPOSAL])

IA No. 87378/2022 - APPLICATION FOR VACATION OF INTERIM ORDER
 IA No. 77348/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 66773/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 106824/2022 - CLARIFICATION/DIRECTION
 IA No. 86846/2022 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 86843/2022 - INTERVENTION/IMPLEADMENT
 IA No. 93440/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 84409/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 70258/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)
 IA NO.118078/2022 - PERMISSION TO PLACE ON RECORD HAND WRITTEN
 LETTER

Date : 23-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
 HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. R. Basant, Sr. Adv.
 Mr. Ashok K. Singh, Adv.
 Ms. Ankita Baluni, Adv.
 Mr. Akshay Sahay, Adv.
 Mr. Deepak Kumar, Adv.
 Ms. Tanishq Mehta, Adv.
 Ms. Sonakshi Monga, Adv.
 Mr. Sandeep K. Bhardwaj, Adv.
 Ms. Vinita Singh, Adv.
 Mr. Aftab Ali Khan, AOR

For Respondent(s) Mr. Tushar Mehta, SG (NP)
 Mr. S.V. Raju, ASG
 Mr. K.M. Nataraj, ASG (NP)
 Mr. M.K. Maroria, AOR
 Mr. Zoheb Hussain, Adv.
 Mr. Rajat Nair, Adv.
 Ms. Swati Ghildiyal, Adv.

Ms. Sairica Raju, Adv.
Mr. Piyush Beriwal, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Gurmeet Singh Makker, AOR

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

The writ petition and pending applications
including application for impleadment are disposed of
in terms of the signed order.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
COURT MASTER

(Signed order is placed on the file.)