

ITEM NO.35

COURT NO.2

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

SUKASH CHANDRA SHEKHAR @ SUKESH & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(FOR ADMISSION

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. 86846/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 86843/2022 - INTERVENTION/IMPLEADMENT
IA No. 70258/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 84409/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 13-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
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. Sandeep Kumar Bhardwaj, Adv.
Mr. Deepak Kumar, Adv.
Mr. Akshay Sahay, Adv.
Ms. Sonakshi Monga, Adv.
Mr. Tanishq Mehta, Adv.
Mr. Aftab Ali Khan, AOR

For Respondent(s) Mr. Tushar Mehta, SG
Mr. S.V. Raju, ASG
Mr. K.M. Nataraj, ASG
Mr. Zoheb Hossain, Adv.
Mr. Piyush Beriwal, Adv.
Mr. Rajat Nair, Adv.
Mr. Mukesh Kumar Maroria, AOR

Ms. Sairica Raju, Adv.
Ms. Gurmeet Singh Makker, AOR
Ms. Swati Ghildiyal, Adv.
Mr. Anand Kirti, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Mukesh Kumar Maroria, AOR

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

In this petition filed under Article 32 of the Constitution of India, it is submitted that the petitioner was subjected to threats and was victim of extortion racket run by some of the officers of the prison where he is presently lodged. Asserting that the health and safety of the petitioner is in danger, the instant petition has been filed praying for various reliefs.

In response to the petition, the affidavit filed on behalf of Respondent No.2 asserts that while being inside Tihar Jail, the petitioner was running a crime syndicate and that he was paying approximately Rs.1.5 crores every month for getting certain facilities including use of mobile phone without any hindrance to pass messages to the persons of his syndicate. The relevant assertions made in paragraph 19 of the counter affidavit also state that some of the jail officials were on a monthly pay roll of the petitioner.

Relying all these assertions, Mr. R. Basant, learned Senior Advocate appearing in support of the petition submits that on its own showing, the affidavit in response accepts that the jail officials were receiving certain monies from and on behalf of the petitioner. It is further submitted that during the period July,

2020 to August 2021, which is the period referred to in the affidavit in response, the amounts paid by the petitioner or on his behalf aggregated to about Rs.12.5 crores. In response to a query by the Court, Mr. Basant, learned Senior Advocate accepts that major part of these amounts were in cash.

To a further query put by the Court as to who were the persons who made payments on behalf the petitioner, Mr. Basant, however, expresses inability to respond to the query immediately. He submits that the identity of the beneficiaries or recipients of bribe money, in any case, can clearly be ascertained on the basis of the affidavit in reply.

But, that is not the complete answer to the problem.

If we go by the assertions made in the affidavit in response, while being in jail, the petitioner was able to garner support from outsiders who paid Rs. 12.5 crores on his behalf to the public servants or other interested persons.

In order to come to the conclusion, whether the petitioner was subjected to extortion (as asserted in the petition) or the petitioner was running a crime syndicate and was bribing his way through (as asserted by the respondents), it would be necessary to understand the identity of the persons and the manner in which they made the payments on behalf of the petitioner.

We, therefore, call upon the petitioner to submit list of persons giving all details as to the payments made by any and every one of them and to whom the payments were made. Let all the details be filed before the next date of hearing.

At the request of Mr. Basant, the matter is adjourned to

26.07.2022.

It must be stated that Mr. S.V. Raju, learned Additional Solicitor General has reiterated his statement which was recorded in the order dated 13.05.2022.

List on 26.07.2022.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER