

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 (Crl.) No.11799/2024

(Arising out of impugned final judgment and order dated 29-03-2024 in CRR No.567/2023 passed by the High Court of Judicature at Allahabad)

MOHAMMAD ARIF

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

Date : 18-10-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIHFor Petitioner(s) Mr. Hum Nashin Ahmed, Adv.
Mr. Prakash Kumar Singh, Adv.
Mr. Amit Sharma, AOR
Ms. Sharaf Hasan, Adv.
Ms. Farkhunda Kaunain, Adv.
Mr. Akshay Kumar Singh, Adv.For Respondent(s) Ms. Garima Prashad, A.A.G.
Mr. Shashank Shekhar Singh, AOR
Ms. Ruchira Goel, Adv.
Mr. Abhinav Singh, Adv.UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. Heard learned counsel for the petitioner and learned Additional Advocate General for the respondent-State.
3. *Prima facie* it appears to us that in the order of attachment dated 09.05.2022, the District Magistrate has not recorded the satisfaction which is required to be recorded in terms of Section

14(1) of the Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986. Therefore, by way of interim relief, we direct the District Magistrate to release the vehicles which are the subject matter of the order dated 09.05.2022 to the petitioner, subject to the petitioner furnishing security of Rs. Five Lakhs to the satisfaction of the District Magistrate and subject to the condition that the petitioner shall file an affidavit before the District Magistrate undertaking that he will not dispose of or transfer the vehicles without the permission of this Court and that he shall use the vehicles lawfully.

4. We permit additional counter affidavit by the State within six weeks from today.

(VIJAY KUMAR)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

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R E C O R D O F P R O C E E D I N G S

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For Respondent(s) Ms. Garima Prashad, A.A.G.
Mr. Shashank Shekhar Singh, AOR
Ms. Ruchira Goel, Adv.
Mr. Abhinav Singh, Adv.

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

1. Leave granted.
2. Heard learned counsel for the petitioner and learned Additional Advocate General for the respondent-State.
3. *Prima facie* it appears to us that in the order of attachment dated 19.05.2022, the District Magistrate has not recorded the

satisfaction which is required to be recorded in terms of Section 14(1) of the Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986. Therefore, by way of interim relief, we direct the District Magistrate to release the vehicles which are the subject matter of the order dated 19.05.2022 to the petitioner, subject to the petitioner furnishing security of Rs. Five Lakhs to the satisfaction of the District Magistrate and subject to the condition that the petitioner shall file an affidavit before the District Magistrate undertaking that he will not dispose of or transfer the vehicles without the permission of this Court and that he shall use the vehicles lawfully.

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