



2026:AHC-LKO:107-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 7603 of 2020

Mohd.Irfan Siddiqui

.....Petitioner(s)

Versus

State Of U.P.Through Secy. Home And Anr.

....Respondent(s)

Counsel for Petitioner(s) : In Person, Anjum Ara, Devesh Deo Bhatt, Shambhu Prasad

Counsel for Respondent(s) : C.S.C.

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Petition called out.

2. None appears for the petitioner.

3. This writ petition was filed in the year 2020, seeking the following main relief:

1. *Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to upload each and every charge sheet in all the police Station across the state on the official website of the state police up police. gov. in as early as possible and preferably within twenty four hours from the conclude the investigation as well as directing to concerned police and also circle officer in certified copy of the charge sheet is supplied to the accused / his representative /pairokar / agent and advocate expeditiously and preferably within twenty four hours of application being made in that regard."*

4. Counter affidavit has been filed by the State Authorities to which no rejoinder affidavit has been filed in spite of our order dated 17th December, 2025.

5. The State in nutshell has stated that neither the law requires uploading of a charge-sheet prepared by investigating officer after investigation on the relevant website nor is it reasonable to do so for the reasons mentioned therein as it would also amount to interference in the process of the Court where charge-sheet has been filed or is to be filed.

6. In fact, Ms. Akansha Dubey, learned Additional Chief Standing Counsel, has placed before us a decision of the Hon'ble Supreme Court reported in **(2023) 11 SCC 154 (Saurav Das Vs. Union of India and others)** wherein a similar prayer was made, for enabling free public access to charge-sheet and final reports filed as per Section 173 of the Criminal Procedure Code, 1973 in furtherance of the rationale as established by the Hon'ble Supreme Court reported in **(2016) 9 SCC 473 (Youth Bar Association of India Vs. Union of India and another)**, which was declined.

7. Paras 12 to 17 of *Saurav Das Vs. Union of India and others* (supra) are quoted below:

12. *As per Section 173(5)CrPC when any report is filed in respect of the case to which Section 170CrPC applies, the police officer shall forward to the Magistrate along with the report all documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation.*

13. *Therefore on conjoint reading of Section 173CrPC and Section 207CrPC the investigating agency is required to furnish the copies of the report along with the relevant documents to be relied upon by the prosecution to the accused and to none others. Therefore, if the relief as prayed for in the present petition is allowed and all the charge-sheets and relevant documents produced along with the charge-sheets are put on the public domain or on the websites of the State Governments it will be contrary to the scheme of the Criminal Procedure Code and it may as such violate the rights of the accused as well as the victim and/or even the investigating agency. Putting the FIR on the website cannot be equated with putting the charge-sheets along with the relevant documents on the public domain and on the websites of the State Governments.*

14. *Now so far as the reliance placed upon on Sections 74 and 76 of the Evidence Act is concerned, the reliance placed upon the said provisions are also absolutely misconceived and misplaced. Documents mentioned in Section 74 of the Evidence Act only can be said to be public documents, the certified copies of which are to be given by the police officer concerned having the custody of such a public document. Copy of the charge-sheet along with the necessary documents cannot be said to be public documents within the definition of public documents as per Section 74 of the Evidence Act. As per Section 75 of the Evidence Act all other documents other than the documents mentioned in Section 74 of the Evidence Act are all private documents.*

Therefore, the charge-sheet/documents along with the charge-sheet cannot be said to be public documents under Section 74 of the Evidence Act, reliance placed upon Sections 74 and 76 of the Evidence Act is absolutely misplaced.

*15. Now so far as the reliance placed upon Section 4 of the RTI Act is concerned, under Section 4(2) of the RTI Act a duty is cast upon the public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) of Section 4 of the RTI Act to provide as much information *suo motu* to the public at regular intervals through various means of communications. Copies of the charge-sheet and the relevant documents along with the charge-sheet do not fall within Section 4(1)(b) of the RTI Act. Under the circumstances also the reliance placed upon Sections 4(1), (2) of the RTI Act is also misconceived and misplaced.*

16. In view of the above and for the reason stated above, the petitioner is not entitled to the relief as prayed for in the present petition, namely, directing all the States to put on their websites the copies of all the charge-sheets/challans filed under Section 173CrPC.

17. Present writ petition lacks merits and the same deserves to be dismissed and is accordingly dismissed."

8. The writ petition is **dismissed** in terms of the aforesaid.

January 5, 2026
MVS/-

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)