

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

SUO MOTU WRIT PETITION (C) NO.1/2019

IN RE : MATTER OF GREAT PUBLIC IMPORTANCE
TOUCHING UPON THE INDEPENDENCE OF JUDICIARY
- MENTIONED BY SHRI TUSHAR MEHTA,
SOLICITOR GENERAL OF INDIA

Petitioner(s)

O R D E R

1. The enquiry report of Hon'ble Mr. Justice A.K. Patnaik, Retired Judge of this Court has been placed before us. On perusal of the report, we find that it is quite comprehensive which has dealt with the scope of the enquiry, the materials and the findings and the conclusions along with the list of annexures and articles.

2. We have to keep in mind that the remit of the Committee was not to enquire into the merits of the allegations made by the complainant against the then Chief Justice of India and this aspect has been noted in the report itself. The learned Judge has thus, recorded in the report that he has confined his examination to only one aspect i.e. the veracity of the version put forward by Mr. Utsav Singh Bains. The report has also taken note of the limited investigative powers and access to records which it had and based on those materials and evidence before him, it has

been opined that it is not possible to find corroborative material *qua* the allegations of Mr. Utsav Singh Bains made in the affidavit. Simultaneously, the report also acknowledges that the existence of a conspiracy cannot be completely ruled out and this has been so opined as Justice A.K. Patnaik has not been able to obtain various records including electronic records of Whatsapp, Telegram etc. The learned Judge has recorded in the final paragraph that the Director of IB in his letter dated 05.07.2019 has stated that on account of the then Chief Justice of India taking serious tough decisions like in the case relating to National Register of Citizens (NRC), there was strong reason to believe that persons who were unhappy with those decisions hatched a conspiracy against the then Chief Justice of India. A reference has also been made to certain tough administrative decisions taken to streamline the process in the Registry.

3. We are also of the view that two years having passed and the possibility of recovery of electronic records at this distance of time is remote, especially since the scope of the enquiry and the power of the learned Judge is limited, no useful purpose will be served by continuing these proceedings.

4. As a result of our observations aforesaid, the proceedings are accordingly closed and the *Suo Motu* petition is disposed of.

5. The report which has been opened be placed back in a sealed cover.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[A.S. BOPANNA]

.....J.
[V. RAMASUBRAMANIAN]

NEW DELHI;
FEBRUARY 18, 2021.

ITEM NO.301

Court 9 (Video Conferencing)

SECTION PIL-W

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

SUO MOTO WRIT PETITION (C) NO. 1/2019

IN RE : MATTER OF GREAT PUBLIC IMPORTANCE
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MENTIONED BY SHRI TUSHAR MEHTA,
SOLICITOR GENERAL OF INDIA

Petitioner(s)

([SHRI TUSHAR MEHTA, SOLICITOR GENERAL OF INDIA])

Date : 18-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

By Courts Motion

For Petitioner(s) Mr. Tushar Mehta, SG

For Respondent(s)

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

The Suo Motu petition is disposed of in terms of the
signed order.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

[Signed order is placed on the file]