

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 2998 of 2021

**Petitioner :-** Ajay Kumar Yadav

**Respondent :-** State of U.P. and Another

**Counsel for Petitioner :-** Sarvesh Chaubey

**Counsel for Respondent :-** G.A., Sanjay Kumar Yadav

**Hon'ble Surya Prakash Kesarwani, J.**

**Hon'ble Gautam Chowdhary, J.**

Heard Sri Sarvesh Chaubey, learned counsel for the petitioner, Sri Manish Goyal, learned Additional Advocate General assisted by Sri Roopak Chaubey, learned counsel for State-respondents and Sri Gyan Prakash, learned Assistant Solicitor General of India, assisted by Sri Sanjay Kumar Yadav, learned counsel for the respondent No.5 (C.B.I.).

Sri Sanjay Kumar Yadav, learned counsel for the respondent No.5 has produced before us a report of Deputy Superintendent of Police, C.B.I., SEB, Lucknow in a sealed cover which indicates that investigation is being conducted by the C.B.I. After perusal of the aforesaid progress report produced before us by the respondent No.5, the same has been returned in a sealed cover to Sri Sanjay Kumar Yadav, learned counsel for the respondent No.5 for returning it to the C.B.I., which shall ensure that progress report of investigation is not leaked to accused persons or any other person.

Learned counsel for the petitioner has referred to the counter affidavit dated 01.09.2021 filed by the Investigating Officer/ respondent No.2 and submits that the Superintendent of Police, Jaunpur has also been party to the conspiracy in the murder of the deceased and he has been influencing and tempering the evidences, which fact is evident from his Letter No.ST-76-(Baksa)/2021 dated 12.02.2021. Similar reports dated 12.02.2021 have been submitted by him to the District Magistrate, Jaunpur and District Judge, Jaunpur, in which on the very next day of the incident he tried to build up a story that the deceased was beaten by passersby and the police has brought him to CHC, Naupedwa, Jaunpur, where the doctor has referred him for better treatment to District Hospital and in District Hospital, the deceased died during treatment, whereas as per another story developed by the police based on manipulated/ manufactured district hospital's slip, the deceased was brought dead. He further submits that no paper has been filed along with the counter affidavit to indicate that the deceased was ever admitted in District Hospital, Jaunpur. He further submits that the District Magistrate was either misled by the Superintendent of Police, Jaunpur or was negligent enough to sign the joint report dated 12.02.2021, copy of which has also been filed as Annexure-CA-11 to the aforesaid counter affidavit. He submits that the deceased was murdered by the accused policemen.

Be that as it may, since the C.B.I. is investigating the matter, therefore, we do not find it appropriate to make any observation with regard to the submissions of learned counsel for the petitioner.

**List/ put up in the additional cause list on 27.10.2021 for further hearing.**

On the next date fixed, up-to-date progress report of investigation shall be placed before us.

**Order Date :-** 7.10.2021

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