

Court No. - 2

Case :- MISC. BENCH No. - 16887 of 2021

Petitioner :- Vrijendra Pratap Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. & Ors.

Counsel for Petitioner :- Kamal Kant Singh, Rudra Pratap Singh, Sushil Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy, J.

Hon'ble Suresh Kumar Gupta, J.

Heard.

Perused the order dated 23.03.2021 as also the subsequent order filed along with supplementary affidavit as SA-1 which is undated.

We are surprised as to how such orders have been passed in a matter of such importance involving protection of a witness covered by the Witness Protection Scheme, 2018 which has been declared as law of the land having been approved by the Hon'ble Supreme Court in the case of ***Mahendra Chawla Vs. Union of India & Ors.***, that too by a Committee headed by the District Judge.

In the body of both the orders, a threat has been accepted, meaning thereby, there is a threat to the life of the petitioner from the accused involved in the criminal case, wherein the petitioner is the injured witness and also a victim of the crime. The petitioner has not yet been examined before the trial court. In spite of these findings by the District Level Security Committee which is headed by the District Judge, in the operative portion of the initial order dated 23.03.2021, instead of the earlier arrangement, wherein, one gunner was provided to the petitioner round the clock, it was ordered that now security would be provided by the Chinhat Police Station on the date fixed for trial and by the subsequent order annexed as SA-1, the only modification made is that one security personnel from Chinhat Police Station shall be provided to the petitioner a day prior to the date fixed before the trial court. When there is an admitted threat perception to the petitioner, then, one fails to understand that as to how this arrangement is going to secure his life, what if, an attempt is made on his life during the period the security personnel is not provided to him.

We accordingly restore the earlier arrangement by which one gunner was provided to him vide order dated 02.09.2019. This arrangement shall continue until further orders.

Let counter affidavit be filed by the opposite parties within four weeks.

Rejoinder affidavit be filed by the petitioner within two weeks thereafter.

List thereafter.

Order Date :- 5.10.2021

SK/-