

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8629 of 2023

Petitioner :- Subhansu Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko. And Others

Counsel for Petitioner :- Roshan Babu Gupta

Counsel for Respondent :- G.A., Subhash Chandra Pandey

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of the State Respondents.

2. This petition has been filed with the following main prayers:-

"1, Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents to have the CBI or any other independent investigative agency to take over the investigation and prosecution with respect to the complaints made by the petitioner with respect to the incident that took place on 21.08.2023 as set out in this petition;

2. Issue writ order or command in the nature of mandamus directing opposite party/investigating agency conduct the prompt, impartial and fare investigation in F.I.R. registered at crime number 284/2023 U/S-323, 504, 506, 392 of 1. P. C. relating to Police Station Wazirganj District Lucknow, in the interest of justice."

3. It has been submitted by the learned counsel for the petitioner that the petitioner is a practicing Advocate in Civil Court at Lucknow, the opposite parties no. 5 to 20 are also Advocates of the Civil Court. They had assaulted the petitioner in the Civil Court premises and the petitioner had lodged the F.I.R. in Case Crime No. 0284 of 2023 on 22.09.2023 under Sections 323, 504, 506, 392 of the I.P.C. with regard to the incident dated 21.09.2023. He had also approached the District Judge, Lucknow to ensure the preservation of the C.C.T.V. footage of the corridor of multistorey Civil Court Building, Third Floor before the Court of Judicial Magistrate-III, a copy of the application made to the District Judge has been filed as Annexure-04 to the writ petition at page no. 44. He has also been constantly threatened by the private respondents, who are all anti-social elements against some of whom history sheets

have been drawn up by the Police Authorities themselves, details of some criminal cases lodged against Dilip Singh S/o Kunwar Bahadur Singh and his other gang members have been mentioned in annexure-05 to the writ petition and also in paragraph-21 of the writ petition. The petitioner has moved an application in this regard on 29.09.2023 to the Chief Justice of India, a copy of which has been filed as Annexure-05 to the writ petition.

4. List this case on 28.11.2023.

5. Learned A.G.A. for the State Respondents shall inform the Additional Deputy Commissioner of Police of the area concerned of filing of the writ petition and seek instructions with regard to what has been done in pursuance of the F.I.R. lodged by the petitioner.

6. The Senior Registrar of this High Court shall send a copy of this writ petition to the District Judge, Lucknow and seek his comments with regard to the steps taken in pursuance of the letter sent by the petitioner dated 25.09.2023 to preserve the C.C.T.V. footage of the third floor corridor in front of the Court of Judicial Magistrate-III.

7. Let such comments be sent by the District Judge, Lucknow by the next date of listing.

8. Sri Subhash Chandra Pandey, Advocate appearing on behalf of the opposite party no. 4 shall inform the Bar Council of U.P. of several cases being filed alleging Advocates in uniform going to intervene in private property dispute and assisting land mafia in grabbing property of citizens. They usually go to the spot in uniforms. The Bar Council of U.P. issue guidelines that the Advocates should avoid wearing uniforms when outside the Court premises.

Order Date :- 7.11.2023

Darpan Sharma