

Court No. - 21

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2753 of 2023

Petitioner :- In Re Designated Courts For Mps/Mlas

Respondent :- State of U.P.

Counsel for Petitioner :- Suo Motu

Counsel for Respondent :- G.A.

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Samit Gopal, J.

1. Sri A.K. Sand, learned Government Advocate, is present on behalf of the State.
2. The instant petition in public interest has been registered in compliance of the order of Supreme Court dated 9.11.2023 in Writ Petition (C) No. 699 of 2016 (Ashwini Kumar Upadhyay vs. Union of India and Another) for registering a suo motu case with the title "In Re: Designated Courts for MPs/MLAs" to monitor early disposal of criminal cases pending against the Members of Parliament and Legislative Assemblies.
3. It is noteworthy that in pursuance of a previous order dated 10.9.2020 passed by the Supreme Court in same case, Criminal Misc. Writ Petition No. 10256 of 2020 is registered with the title "In Re: Special Courts for MPs/MLAs/MLCs", wherein this Court is regularly monitoring the progress of criminal cases.
4. Now, in pursuance of the recent order of the Supreme Court dated 9.11.2023, we issue the following directions: -
 - (a) The Advocate General or the Government Advocate will assist the Court in the instant matter.
 - (b) We are informed that there are separate courts, both at Sessions level and at the level of Magistrate, dealing with criminal cases, exclusively against MPs and MLAs. The special courts will send reports at interval of one month regarding (i) progress of the cases pending before them; (ii) case in which proceedings are lying stayed and details of the cases in which proceedings were stayed.
 - (c) The special courts dealing with such cases shall give priority (i) first to criminal cases against MPs and MLAs punishable with death or life

imprisonment then to (ii) cases punishable with imprisonment for five years or more, and then hear (iii) other cases.

(d) The special courts shall not adjourn the cases except for rare and compelling reasons.

(e) The Principal District & Sessions Judge shall ensure sufficient infrastructure facility for the special courts and also enable it to adopt such technology as is expedient for effective functioning. In this regard, if any approval is required from this Court, the same be obtained on the administrative side.

(f) If any appeal or revision is pending before the Sessions court against any order of the Magistrate who has tried the case, the details of such cases shall also be included in the monthly return and shall also be displayed on the website of this Court.

(g) The Sessions courts where such appeals/revisions are pending, will ensure that the same are decided expeditiously.

5. The Registrar General shall issue directions to the concerned officer of the Registry to ensure that cases in which trial is stayed are listed immediately before appropriate Bench for extension/vacation of the stay orders. The Registrar General shall also ensure that an independent tab on the website of this Court be activated so that district-wise information about the details of the year of filing, number of subject cases pending and stage of proceedings is clearly reflected.

6. Necessary directions be issued on the administrative side to the special courts that the aforesaid information shall also be updated on a monthly basis.

7. List the instant matter on 4.1.2024 at 2 p.m. along with Criminal Misc. Writ Petition No. 10256 of 2020.

(Samit Gopal, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 24.11.2023/Jaideep/-