

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGSWrit Petition(s)(Criminal) No(s). 129/2024

KULDEEP

Petitioner(s)

VERSUS

STATE OF U.P. &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.47446/2024-INTERIM BAIL, IA NO.165289/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS, IA NO.165956/2024 - EXEMPTION FROM FILING O.T. AND IA NO.169034/2024 - FOR EXTENSION OF TIME)

with

Writ Petition (Crl.) No(s). 134/2022  
(IA No. 49391/2022 - APPROPRIATE ORDERS/DIRECTIONS AND IA NO.151243/2024 - FOR EXTENSION OF TIME)

Date : 12-08-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Pradeep Kumar Yadav, Adv.  
Mr. Vishal Thakre, Adv.  
Mr. Gopal Singh, Adv.  
Ms. Anjale Kumari, Adv.  
Ms. Chhaya, Adv.  
Mr. Ashwani Garg, Adv.  
Mr. Amarkant Patel, Adv.  
Mr. Sunil Kumar Srivastava, Adv.  
Mr. Sanjeev Malhotra, AOR

Mr. Arvind Kumar Tiwari, Adv.  
Mr. C.K. Rai, AOR  
Mrs. Anuradha Roy, Adv.  
Mr. Vinay Kumar Gupta, Adv.  
Mr. Manish Kumar, Adv.  
Ms. Aqsa, Adv.  
Mr. Mohan Lal, Adv.

For Respondent(s) Mr. R.K. Raizada, Sr. Adv., A.A.G.  
Mr. Nikhil Sharma, Adv.  
Mr. Ankit Goel, AOR  
Mr. Yasharth Kant, Adv.

Mrs. Garima Prashad, Sr. A.A.G.  
Ms. Sakshi Kakkar, AOR  
Mr. Anchit Singhla, Adv.  
Mr. Divyanshu Sahay, Adv.

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

Shri Rajesh Kumar Singh, Principal Secretary, Prison Administration Department, appears through video conference pursuant to our order dated 5<sup>th</sup> August, 2024 passed in Writ Petition (Crl.) No.129/2024. He has hardly any explanation to offer for the long delay in making compliance with the orders of this Court and now he is giving an excuse that the file is pending with the competent Authority.

What is shocking is the response of Shri Rajesh Kumar Singh in Writ Petition (Crl.) No.134/2022. He states that notwithstanding the order dated 13<sup>th</sup> May, 2024 passed by this Court in Writ Petition (Crl.) No.134/2022 making it very clear that the Code of Conduct will not come in the way of the State Government while considering the case of the petitioner for grant of permanent remission, the file forwarded to the Secretariat of the Hon'ble Chief Minister of Uttar Pradesh was not accepted and, ultimately, the file was sent to the Secretariat of the Hon'ble Chief Minister only after the expiry of Code of Conduct.

We direct Shri Rajesh Kumar Singh to file an affidavit giving details, such as names of the officers in the office of the Secretariat of the Hon'ble Chief Minister of Uttar Pradesh who refused to accept the file. He will also place on record whether any effort was made by him to represent before the concerned

officers in the Secretariat of the Hon'ble Chief Minister that the Government was bound by the order of this Court dated 13<sup>th</sup> May, 2024.

Even in this case, as of today, there is no decision taken by the State Government.

Before we issue a notice of contempt to the appropriate officers of the State Government, we direct Shri Rajesh Kumar Singh to file an affidavit setting out on oath what he has stated before us orally. Necessary correspondence made with the Secretariat of the Hon'ble Chief Minister of Uttar Pradesh in connection with the case of the petitioner in Writ Petition (Crl.) No.134/2022 shall also be placed on record. The said affidavit shall be filed by 14<sup>th</sup> August, 2024.

List both the Petitions on 20<sup>th</sup> August, 2024.

(ASHISH KONDLE)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)