

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO(S).134/2022

ASHOK KUMAR

PETITIONER(S)

VERSUS

STATE OF U.P. & ANR.

RESPONDENT(S)

O R D E R

1. Heard the learned counsel appearing for the parties.
2. It is a very unfortunate case. A senior IAS Officer Shri Rajesh Kumar Sharma who appeared before this Court through video conference on 12th August, 2024 clearly stated on repeated queries made by this Court in simple English that the file of the petitioner was not forwarded to the Secretariat of the Hon'ble Chief Minister of the State of Uttar Pradesh as the Office of the Hon'ble Chief Minister was not accepting the files during the Code of Conduct for the election of Lok Sabha. Not only in the subsequent affidavits, but even during the inquiry conducted by the Chief Secretary of the State of Uttar Pradesh, Shri Rajesh Kumar Sharma, former Principal Secretary, Prison Administration and Reforms Department, has come out with an excuse that on 12th August, 2024, he did not understand the queries made by this Court. This stand is taken before this Court and before the inquiry conducted by the Chief Secretary. It is impossible to accept the stand.

3. We have no manner of doubt that there was complete defiance by the officers of the State Government with the order dated 13th May 2024 and other orders. We are also convinced that the file was not processed, notwithstanding the order of this Court, as the file was not accepted by the Office of the Hon'ble Chief Minister's secretariat during the Code of Conduct. That is very clear from the observations made by this Court in the earlier orders.

4. We thought that the Chief Secretary would come clean, but that has not happened. The effort to cover up contemptuous conduct continues. We have perused the report of inquiry conducted by the Chief Secretary. All that we can say is that it is impossible to accept the explanations offered by the state government's officers and the conclusions in the report. We could have gone deep into the matter and fixed the responsibility, but we face a huge pendency of cases. Therefore, we do not feel it appropriate to waste time on such issues. We are adopting this approach as though belatedly, justice has been done to the petitioner by releasing him from prison.

5. If kindness is to be shown, it is to be shown by the persons occupying the highest constitutional office and, therefore, to save the time of the Court, we have decided to show magnanimity and close all the proceedings, including the notice of contempt. Accordingly, we close the contempt

proceedings and dispose of the petition. But we deprecate the conduct of the State and its officers in defying the orders of the Court. They have shown complete disregard and disrespect to the orders of the Court. The conduct of the State Government is such that it must be saddled with costs. We direct the State of Uttar Pradesh to pay costs quantified at Rs.5,00,000/- (Rupees Five lakh) to the Uttar Pradesh State Legal Services Authority within one month from today.

6. As the petitioner has been granted the benefit of premature release, nothing further is required to be done in this Writ Petition. The Writ Petition is, accordingly, disposed of.

.....J.
(ABHAY S. OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
SEPTEMBER 27, 2024.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWRIT PETITION (CRIMINAL) NO(S).134/2022

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(IA No. 49391/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA Nos. 182530/2024, 192035/2024 and 222895/2024 - EXEMPTION FROM FILING O.T., AND IA No. 151243/2024 - EXTENSION OF TIME)

Date : 27-09-2024 This matter was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. C.K. Rai, AOR
Mr. Arvind Kumar Tiwari, Adv.
Mrs. Anuradha Roy, Adv.
Mr. Vinay Kumar Gupta, Adv.

For Respondent(s) Mr. K M Nataraj, A.S.G.
Mr. Sharan Thakur, Sr. A.A.G.
Mrs. Garima Prasad, Sr. A.A.G.
Ms. Sakshi Kakkar, AOR
Mr. Anchit Singla, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Ms. Garima Prashad, Sr. A.A.G.
Ms. Ruchira Goel, AOR

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

The Writ Petition is disposed of in terms of the signed order. The operative portion of the order reads thus:

"5. If kindness is to be shown, it is to be shown by the persons occupying the highest constitutional office and, therefore, to save the time of the Court, we have decided to show magnanimity and close all the proceedings, including the

notice of contempt. Accordingly, we close the contempt proceedings and dispose of the petition. But we deprecate the conduct of the State and its officers in defying the orders of the Court. They have shown complete disregard and disrespect to the orders of the Court. The conduct of the State Government is such that it must be saddled with costs. We direct the State of Uttar Pradesh to pay costs quantified at Rs.5,00,000/- (Rupees Five lakh) to the Uttar Pradesh State Legal Services Authority within one month from today.

6. As the petitioner has been granted the benefit of premature release, nothing further is required to be done in this Writ Petition. The Writ Petition is, accordingly, disposed of."

Pending applications stand disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]