

**(2014) 09 SC CK 0130**

**In the Supreme Court Of India**

**Case No :** I.A. Nos. 36, 71, 72, 73, 74, 75 and CrI.M.P. No. 18219/2014 in C.A. No. 10660/2010

Center for PIL

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

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**Date of Decision :** 15-09-2014

**Acts Referred:**

Supreme Court Rules, 2013 — Order 9 Rule 13

**Citation :** (2015) 2 SCC 362

**Hon'ble Judges :** Sharad Arvind Bobde, J;H.L. Dattu, J

**Bench :** Division Bench

**Final Decision :** Disposed Of

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## **Judgement**

1. We have Shri Vikas Singh, learned senior counsel appearing on behalf of Shri Ranjit Sinha, Director, Central Bureau of investigation (for short, "the Director, CBI") and Shri Prashant Bhushan learned Counsel appearing for the Appellants. We have also heard Shri Ram Jethmalani, learned senior Counsel as an Advisor to the Court.

2. We do not intend to say much on the arguments advanced by the learned Counsels. In our opinion, it is suffice to observe that the affidavit (in I.A. No. 73) filed by Shri Prashant Bhushun, is not in consonance with Order IX Rule 13 of the Supreme Court Rules, 2013. The said provision is quoted hereinbelow:

"In this Order, "affidavit" includes a petition or other documents required to be sworn or verified; and "sworn" includes affirmed. In the verification of petition, pleadings or other proceedings, statements based on personal knowledge shall be distinguished from statements based on information and belief. In the case of statements based on information, the deponent shall disclose the source of his information, including official records."

3. In our opinion, before we pass any order on the affidavit at the first instance, we request Shri Prashant Bhushan, learned Counsel to disclose the source of his

information to us which has formed the basis of the averments and allegations made in the affidavit filed before this Court. The information that will be disclosed by Shri Prashant Bhushan, learned Counsel shall be kept in a sealed cover and to be opened by this Court only.

4. Further, we direct the Registry to keep all the documents and affidavits filed by the Director, C.B.I. in a sealed cover, to be kept safely in the custody of the Secretary General of this Court.

5. List on 22.09.2014.

I.A. No. 75 of 2014

6. Reply, if any, to I.A. No. 75 be filed by Shri K.K. Venugopal, learned senior counsel through Shri B.K. Prasad/B.V. Balramdas, learned Counsel(s) and reply to I.A. No. 75, if any, be filed by Shri Vikas Singh, learned senior counsel through Shri Chander Prakash, learned Counsel within a week's time from today. List on 24.09.2014.