
(2013) 07 AHC CK 0277
In the Allahabad High Court
Case No : P.I.L. No. 35628 of 2013

Krishna Pratap Kaushik

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 04-07-2013

Acts Referred:

Citation : (2013) 99 ALR 824

Hon'ble Judges : Sushil Harkauli, J;Naheed Ara Moonis, J

Bench : Division Bench

Judgement

Sushil Harkauli and Naheed Ara Moonis, JJ.—Sri Jai Prakash Kaushik, Advocate has filed his Vakalatnama on behalf of respondent Nos. 2 and 3, which is taken on record. In this PIL, the credentials of the petitioner need not be examined because the earlier PIL filed by the same petitioner has already been entertained by a Division Bench of this Court being Writ Petition No. 207 of 2012. On that PIL alongwith a connected PIL, by order dated 13.12.2012 a Division Bench of this Court headed by Hon''ble the Chief Justice had disposed it off by directing an investigation into the serious charges of an alleged scam by a Special Investigation Team (in short SIT).

2. It appears from Annexure-26 to this petition, which is a letter written by the Investigating Officer of the SIT dated 22.3.2013 to the Managing Director, UPSIDC that despite several letters, the records have not been made available to the SIT for conducting the investigation.

3. According to the learned Counsel for the petitioner, that SIT was constituted by the said order of the Division Bench of this Court in respect of limited allegations. While now in this petition more serious and further specific allegations have been made against individuals.

4. It is alleged in this PIL that the respondents No. 6 to 8 particularly respondent No. 6 have amassed property beyond reasonably imaginable sources of income.

5. Considering the background litigation referred above, the dimensions of the matter and also the fact that delay in investigation can often be fatal to collection of evidence, we are of the opinion that pending notice to the private respondents a preliminary investigation be conducted by the Central Bureau of Investigation represented by Sri N.I. Jafri, Advocate into the allegations. The status report as a result of the preliminary investigation be submitted to this Court by the C.B.I. within three months.

6. We also direct that the Managing Director, UPSIDC will ensure that the relevant records are made available to the CBI and the investigation is not hampered because of the circumstances as mentioned in the above referred letter dated 22.3.2013. It has been argued from the petitioner's side that despite such serious allegations and despite earlier transfers of the respondent No. 6 made on recommendations/complaints, not only the respondent No. 6 has been brought back shortly after the transfer but has been permitted not only to continue on that post but also to hold a dual charge. If this contention is factually correct, to say the least, it is a little disturbing. Issue notice of this petition to the respondents No. 6 to 8 by registered post. Steps to be taken by registered post within a week. The other respondents who are represented today may also file their counter affidavits within one month.