

✓
By E-mail

THE GAUHATI HIGH COURT AT GUWAHATI
(HIGH COURT OF ASSAM: NAGALAND: MIZORAM AND ARUNACHAL PRADESH)
NO. HC.VII-59/2022/ 1502 /A dated. 22.02.2023

From: **Sri. R. A. Tapadar,**
Registrar (Judl.),
Gauhati High court,
Guwahati.

✓ To: **The District & Sessions Judge,**
Bajali / Baksa / Barpeta / Biswanath / Bongaigaon / Cachar / Charaideo / Chirang
/ Darrang / Dhemaji / Dhubri / Dibrugarh / Dima Hasao / Goalpara / Golaghat /
Hailakandi / Hojai / Jorhat / Kamrup (M) / Kamrup / Karbi Anglong / West Karbi
Anglong/ Karimganj / Kokrajhar / Lakhimpur / Majuli / Morigaon / Nagaon /
Nalbari / Sivasagar / Sonitpur /South Salmara-Mankachar / Tinsukia / Udalguri.

Sub.: Order dated 03/02/2023 passed by the Hon'ble Supreme Court in *Miscellaneous Application No. 2034/2022 in MA 1849/2021 in SLP(Crl.) No. 5191/2021* (Satender Kumar Antil –vs- Central Bureau of Investigation & anr.).

Sir/Madam,

With reference to the above, I am directed to forward herewith a copy of order dated 03-02-2023 passed by the Hon'ble Supreme Court of India in *Miscellaneous Application No. 2034/2022 in MA 1849/2021 in SLP(Crl.) No. 5191/2021* for circulation amongst all the Subordinate Criminal Courts under your jurisdiction.

With warm regards.

Enclosed : As stated

Yours faithfully,
R. A. Tapadar
21.02.23
REGISTRAR (JUDICIAL)

JK

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D. No. 37889/2022 /SEC-II
SUPREME COURT OF INDIA
NEW DELHI
08th February, 2023

From:

The Assistant Registrar,
Supreme Court of India, New Delhi.

To,

- 1 THE REGISTRAR
HIGH COURT OF ANDHRA PRADESH AT
AMRAVATI, ~~Hyderabad~~
NELAPADU, ANDHRA PRADESH-522202
PID: 28605/2023 IN MA2034/2022 (SEC II)
- 2 THE REGISTRAR.
HIGH COURT FOR THE STATE OF
TELANGANA AT HYDERABAD,
HYDERABAD, TELANGANA-500066
PID: 28606/2023 IN MA2034/2022 (SEC II)
- 3 THE REGISTRAR.
GAUHATI HIGH COURT,
LATASIL, GUWAHATI, ASSAM-781001
PID: 28607/2023 IN MA2034/2022 (SEC II)
- 4 THE REGISTRAR.
HIGH COURT OF JUDICATURE AT PATNA,
PATNA, BIHAR-800628
PID: 28608/2023 IN MA2034/2022 (SEC II)
- 5 THE REGISTRAR.
HIGH COURT OF JUDICATURE AT BOMBAY,
MUMBAI, MAHARASHTRA-400032
PID: 28609/2023 IN MA2034/2022 (SEC II)
- 6 THE REGISTRAR.
HIGH COURT OF CHHATTISGARH AT
BILASPUR,
BILASPUR, CHHATTISGARH-495220
PID: 28610/2023 IN MA2034/2022 (SEC II)
- 7 THE REGISTRAR.
HIGH COURT OF DELHI AT NEW DELHI,
NEW DELHI, DELHI-110003
PID: 28611/2023 IN MA2034/2022 (SEC II)
- 8 THE REGISTRAR.
HIGH COURT OF GUJARAT AT AHMEDABAD,
AHMEDABAD, GUJARAT-380060
PID: 28612/2023 IN MA2034/2022 (SEC II)
- 9 THE REGISTRAR.
HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA,
SHIMLA, HIMACHAL PRADESH-171001
PID: 28613/2023 IN MA2034/2022 (SEC II)
- 10 THE REGISTRAR.
HIGH COURT OF JAMMU & KASHMIR AND
LADAKH AT SRINAGAR,
SRINAGAR, JAMMU & KASHMIR-190009
PID: 28614/2023 IN MA2034/2022 (SEC II)
- 11 THE REGISTRAR.
HIGH COURT OF JHARKHAND AT RANCHI,
RANCHI, JHARKHAND-834002
PID: 28615/2023 IN MA2034/2022 (SEC II)
- 12 THE REGISTRAR.
HIGH COURT OF KARNATAKA AT
BENGALURU,
BENGALURU, KARNATAKA-560001
PID: 28616/2023 IN MA2034/2022 (SEC II)

- 13 THE REGISTRAR,
HIGH COURT OF KERALA AT ERNAKULAM,
ERNAKULAM, KERALA-682031 PID: 28617/2023 IN MA2034/2022 (SEC II)
- 14 THE REGISTRAR,
HIGH COURT OF MADHYA PRADESH AT
JABALPUR,
JABALPUR, MADHYA PRADESH-482001 PID: 28618/2023 IN MA2034/2022 (SEC II)
- 15 THE REGISTRAR,
HIGH COURT OF ORISSA AT CUTTACK,
CUTTACK, ORISSA-753002 PID: 28619/2023 IN MA2034/2022 (SEC II)
- 16 THE REGISTRAR,
HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH,
CHANDIGARH, PUNJAB-160001 PID: 28620/2023 IN MA2034/2022 (SEC II)
- 17 THE REGISTRAR,
HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR,
JODHPUR, RAJASTHAN-342001 PID: 28621/2023 IN MA2034/2022 (SEC II)
- 18 THE REGISTRAR,
HIGH COURT OF SIKKIM AT GANGTOK,
GANGTOK, SIKKIM-737101 PID: 28622/2023 IN MA2034/2022 (SEC II)
- 19 THE REGISTRAR,
HIGH COURT OF JUDICATURE AT MADRAS
AT CHENNAI,
CHENNAI, TAMIL NADU-600104 PID: 28623/2023 IN MA2034/2022 (SEC II)
- 20 THE REGISTRAR,
HIGH COURT OF JUDICATURE AT
ALLAHABAD,
ALLAHABAD, UTTAR PRADESH-211017 PID: 28624/2023 IN MA2034/2022 (SEC II)
- 21 THE REGISTRAR,
HIGH COURT OF UTTARAKHAND AT
NAINITAL,
NAINITAL, UTTARAKHAND-263002 PID: 28625/2023 IN MA2034/2022 (SEC II)
- 22 THE REGISTRAR,
HIGH COURT AT CALCUTTA,
KOLKATA, WEST BENGAL-700001 PID: 28626/2023 IN MA2034/2022 (SEC II)
- 23 THE REGISTRAR,
HIGH COURT OF MANIPUR AT IMPHAL,
IMPHAL, MANIPUR-795002 PID: 28627/2023 IN MA2034/2022 (SEC II)
- 24 THE REGISTRAR,
HIGH COURT OF MEGHALAYA,
SHILLONG, MEGHALAYA-793001 PID: 28628/2023 IN MA2034/2022 (SEC II)
- 25 THE REGISTRAR,
HIGH COURT OF TRIPURA AT AGARTHALA,
AGARTHALA, TRIPURA-799010 PID: 28629/2023 IN MA2034/2022 (SEC II)

MISCELLANEOUS APPLICATION No. 2034 OF 2022

IN

MISCELLANEOUS APPLICATION NO. 1849 OF 2021

IN

SPECIAL LEAVE PETITION (Crl. NO. 5181 OF 2021)

(From the Judgment and Order dated the 11th July, 2022 of the DELHI, DELHI in MA No. 1849 of 2021)

SATEENDEE KUMAR AND ORS.

... Petitioner(s)/Appellant(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ORS.

... Respondent(s)

Sir,

In continuation of this Registry's letter dated 08.12.2022, please find enclosed herewith a certified copy of this Hon'ble Court's Record of Proceeding dated 03rd February, 2023, passed in the matter above mentioned, for necessary action.

I have requested to file fresh compliance affidavits as per the format filed by Maharashtra and Punjab & Haryana High Courts within three weeks. The copy of affidavit of Maharashtra and Punjab & Haryana High Courts can be collected from the office of Senior Advocate Mr. Siddharth Luthra (email: siddharth.luthra@delhihi.org). Further, a blank format is given at page nos. 3 and 5 of the attached record of proceeding for reference.

The affidavits to be filed will also incorporate whether the aspect mentioned in the judgment of this Court in "Siddharth vs. State of U.P." reported as (2022) 1 SCC 676, have been monitoring or not and whether judicial officers are not complying with this aspect.

Handwritten note: The affidavits to be filed will also incorporate whether the aspect mentioned in the judgment of this Court in "Siddharth vs. State of U.P." reported as (2022) 1 SCC 676, have been monitoring or not and whether judicial officers are not complying with this aspect.

Yours faithfully,

[Signature]
ASSISTANT REGISTRAR

Copy to:

1. Mr. Anand Kumar Sharma (adv.)
2. Mr. M.N. Raghupathy (adv.)
3. Mr. Jyoti Kumar Singh (adv.)
4. Mr. J.L. Jose (adv.)
5. Mr. Arjun Garg (adv.)
6. Mr. Anil Gupta (adv.)
7. Mr. Sanjay Kumar Pathak (adv.)
8. Mr. Sibb Sankar Mishra (adv.)
9. Mr. Abhimanyu Tewari (adv.)
10. Mr. Somenadri Gaud Katam (adv.)
11. Mr. Aditya A. Pance (adv.)
12. Mr. Ankur Prakash (adv.)
13. M/s. Arputham Aruna & Co. (adv.)
14. Mr. Apoorv Kurup (adv.)
15. Mr. Geurav Agrawal (adv.)
16. Mr. Apoorv Shukla (adv.)
17. Dr. Joseph Aristotle S. (adv.)
18. Mr. Kunal Chaitteji (adv.)
19. Ms. Manisha Ambewani (adv.)
20. Mr. B.N. Terdal (adv.)
21. Mr. Anupam Raina (adv.)
22. Mr. K. Inatoli sema (adv.)
23. Mr. Varinder K. Sharma (adv.)
24. Mr. Nikhil Goel (adv.)
25. Mr. Naresh K. Sharma (adv.)
26. Mr. Siddharth Luthra, Sr. Advocate

[Signature]
ASSISTANT REGISTRAR

ITEM NO. 9

COURT NO. 2

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No.2034/2022 in MA 1849/2021 in SLP(Crl)
No. 5191/2021

115116

SATENDER KUMAR ANIL

to be tried Court

to be tried Court (Jud.) Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ANR.

Respondent(s)

([FOR COMPLIANCE])

Mr. V. N. Raghupathy, Advocate for high court of karnataka;
Mr. Tapesh Kumar Singh, Advocate for high court of jharkhand;
Mr. P. L. Jose, Advocate for Gauhati high court;
Mr. Arjun garg, Advocate for high court of Madhya Pradesh;
Mr. Amit Gupta, Advocate for high court of Delhi;
Mr. Sanjai Kumar Pathak, Advocate for high court of meghalaya;
Mr. Sibho Sankar Mishra, Advocate for high court of Orissa
Mr. Abhimanyu Tewari, Advocate for State of Arunachal Pradesh,
Mr. Somanadri Gaud Katam, Advocate for High Court of Telengana;
Mr. Aaditya A. Pande, Advocate for the State of Maharashtra;
Mr. Ankur Prakash, Advocate for the State of Uttarakhand;
M/s Arputham Aruna & Co., Advocate for High Court of Sikkim;
Mr. Apoorv Kurup, Advocate for High Court of Chhattisgarh;
Mr. Gaurav Agrawal, Advocate for High Court of Patna;
Mr. Apoorv Shukla, Advocate for high court of Allahabad;
Dr. Joseph Aristotle S., Advocate for State of Tamil Nadu;
Mr. Kunal Chatterji, Advocate for the high court of calcutta;
Ms Manisha Ambawani, Advocate for the high court jaipur bench)

WITH

MA 2035/2022 in SLP(Crl) No. 5191/2021 (II)
(IA No. 166259/2022 - CLARIFICATION/DIRECTION)

Date : 03-02-2023 These applications were called on for hearing
today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

By Courts Motion

MA
RA
1/2

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.
Mr. Akbar Siddique, AOR
Mr. Rajneesh Chuni, Adv. .
Mr. Pankaj Singhal, Adv.
Mr. Parv K Garg, Adv.
Mr. Abhishek Singh, Adv.
Mr. Shakti Singh, Adv.
Mr. Ayush Anand, Adv.

For Respondent(s) Mr. Sanjay Jain, A.S.G.
Mr. Jayant Sud, A.S.G.
Mr. Udai Khanna, Adv.
Mr. Mohd Akhil, Adv.
Mrs. Priyanka Das, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Ritwiz Rishabh, Adv.
Mrs. Sairica Raju, Adv.
Mr. Padmesh Mishra, Adv.
Mrs. Shradha Deshmukh, Adv.
Mr. Arvind Kumar Sharma, AOR
Ms. Ashima Gupta, Adv.
Mr. Shiv Mangal Sharma, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Raghavendra S. Adv.

Mr. Lokesh Sinhal, Sr. AAG
Dr. Monika Gusain, AOR

Mr. Ankur Prakash, AOR
Mr. Ashutosh Kumar Sharma, Adv.

Mr. Somanadri Gaud Katam, AOR
Mr. Sirajuddin, Adv.

Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Mr. Ankit Sharma, Adv.
M/s. Arputham Aruna & Co. AOR

Mr. Yashvardhan, Adv.
Mr. Apoorv Shukla, Adv.
Ms. Smita Kant, Adv.
Ms. Kritika Nagpal, Adv.
Mr. Tarun Bhushan, Adv.
Ms. Prabhleen Shukla, Adv.

Mr. Tapesk Kumar Singh, Adv.
Mr. Aditya Pratap Singh, Adv.

Mr. Kunal Chatterji, Adv

Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Ms. Kshitij Singh, Adv.

Mr. Arjun Garg, AOR
Mr. S. Mahesh Sahasranaman, Adv.
Mr. Aakash Nandolia, Adv.

Mr. Amit Gupta, AOR
Mr. Hari Sankar Mahapatra, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. Nikhil Goel, AOR
Ms. Naveen Goel, Adv.
Mr. Atithy K. Roy, Adv.

Mr. Sanjai Kumar Pathak, Adv.
Mr. Arvind Kumar Tripathi, Adv.
Mrs. Shashi Pathak, Adv.

Dr. Joseph Aristotle S., AOR
Mr. Shobhit Dwivedi, Adv.
Mr. Sanjeev Kr. Mahara, Adv.
Ms. Vaidehi Rastogi, Adv.

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

Mr. Sidharth Luthra, learned senior counsel submits that while a large number of High Courts have filed their compliance report, no compliance report has been filed by the High Courts of Andhra Pradesh, Jammu & Kashmir and Ladakh, Rajasthan and Tripura. Learned counsel appearing for the High Court of Tripura submits that he filed it yesterday and naturally it is not on record. Learned counsel appearing for the High Courts of Jammu & Kashmir, Ladakh and Rajasthan request for a week's time to file the report. High Court of Andhra Pradesh is unrepresented. Let notice be issued to the Registrar of the High Court of Andhra Pradesh as to why no

arrangement has been made for representation before this Court.

Now turning to the states which are yet to file the compliance report. It appears that hardly any of the states have filed the report. The States who have not filed or at least not given a copy to Mr. Sidharth Luthra's office are thirty in number, which are as under:-

1. Andhra Pradesh
2. Assam
3. Bihar
4. Chhattisgarh
5. Goa
6. Gujarat
7. Haryana
8. Himachal Pradesh
9. Jammu and Kashmir
10. Jharkand
11. Karnataka
12. Kerala
13. Madhya Pradesh
14. Manipur
15. Meghalaya
16. Mizoram
17. Odisha
18. Punjab
19. Rajasthan
20. Sikkim
21. Telangana
22. Tripura
23. Uttar Pradesh
24. West Bengal
25. Andaman and Nicobar Islands
26. Dadra and Nagar Haveli
27. Daman and Diu
28. Lakshadweep
29. Pondicherry
30. Ladakh

The CBI has also not filed compliance report.

We grant two weeks' time to the CBI and the States to file their compliance report, failing which, their respective Home Secretaries will appear personally through the virtual mode.

Mr. Luthra submits that the model adopted for giving information by Maharashtra and Punjab & Haryana High Courts is the appropriate one in relation to the their States and others do not disclose the full information. The States as well as the High Courts are called upon to collect the affidavits of Maharashtra and Punjab & Haryana from Mr. Luthra's office and the compliance report now filed must be in that format. Three weeks' time is granted to do the needful as aforesaid.

The blank format is being placed below as under to facilitate them:-

Tabular Chart (giving details District and Court wise)

PART A								
S. No.	District	Whether compliance of the direction issued by the Hon'ble Supreme Court in case titled as "Arnesh Kumar vs State of Bihar" (2014) 8 SCC 273 is being made specially with regard to section 41 and 41 A of CrPC [para 73(b)]	Whether any accused has been granted bail due to non-compliance of section 41 and 41 A CrPC [para 73(c)]	Whether courts are insisting for bail application while considering the bail application under section 88, 170, 204 & 209 CrPC [para 73(e)]	Whether the mandate laid down in the judgment passed by the Hon'ble Supreme Court in Sidharth vs state of UP (2021) 1 SCC 676 is being strictly complied with [para 73(f)]	Whether directions passed in <i>Bhim Singh vs UOI</i> (2015) 13 SCC 605 for release of Under Prisoner eligible for bail under section 436A of CrPC are being complied with. [para 73(j)]	Whether the regular bail application are decided within 2 weeks. [para 73(k)]	Whether the anticipatory bail application are being decided within six weeks. [para 73(k)]

PART B (giving details District and Court wise)						
S. No.	District	No. of Under trial Prisoners identified who are unable to comply with the bail condition (list be also annexed) [para 73(h)]	Whether the under trial prisoners mentioned in column 3 have been informed about their right u/s 440 (2)CrPC	Total no of applicat ion received under section 440(2) CrPC (list to be annexed)	Number of Regular bail applicat ion not decided within 2 weeks of institut ion.	Number of anticipatory bail application not decided within six weeks of institution.

One last thing which is pointed out by Mr. Luthra is that despite the judgment of this Court in "Siddharth Vs. State of U.P." reported as (2022) 1 SCC 676 and despite reiteration of that aspect in the present case the same is being followed in breach.

The affidavits to be filed by the High Courts will incorporate whether they have been monitoring this aspect or not and whether judicial officers are not complying with this aspect.

List on 21st March, 2023.

The judgment in the present case i.e. "Satender Kumar Antil Vs. CBI" reported in (2022) 10 SCC 51 and the judgment in Siddharth's case (supra) should be incorporated as part of the curriculum of the State Judicial Academies and the National Judicial Academy.

Rashmi 08/2/23
(RASHMI DHYANI PANT)
COURT MASTER

Poonam
6/2/2023
(POONAM VAID)
COURT MASTER