

Sub: Order dated 03.02.2023 passed by Hon'ble Supreme Court of India in M.A. No. 2034/2022 in M.A. No. 1849/2021 in Special Leave Petition (Cri.) No. 5191/2021 titled "Satender Kumar Antil Vs. Central Bureau of Investigation & Anr".

A Copy of the letter no. 1053-1064/DHC/Gag/O-2/Judgment/2023 dated 09.02.2023 alongwith copy of order dated 03.02.2023 passed by Hon'ble Supreme Court of India in M.A. No. 2034/2022 in M.A. No. 1849/2021 in Special Leave Petition (Cri.) No. 5191/2021 titled "Satender Kumar Antil Vs. Central Bureau of Investigation & Anr" is circulated for information and immediate compliance, with request to send the compliance report/information in terms of aforesaid letter dated 09.02.2023 for onward transmission to Hon'ble High Court of Delhi immediately to :-

The same is being circulated with request to furnish the information in prescribed format i.e. Annexure-A and Annexure-B positively by 21.02.2023 as directed. This for information and immediate compliance to :-

1. All the Ld. DHJS, Central District, Tis Hazari Courts, Delhi dealing with criminal matters.
2. The Ld. Chief Metropolitan Magistrate, Central District, Tis Hazari Courts, Delhi with request to circulate the same amongst all the Magisterial courts under your kind control and send the compiled report in respect of all Magisterial Courts.
3. PS to Ld. Principal District & Sessions Judge (HQ), Tis Hazari Courts, Delhi for information.
4. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
5. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no.DJA/Dir.(Ac)/2019/4306 dated 06.08.2019.
6. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
7. For uploading the same on Centralized Website through LAYERS.

(RAKESH PANDIT)

Officer-in Charge, Genl. Branch, (C)
Addl. District & Sessions Judge,
Tis Hazari Courts, Delhi

Encl.: As above.



IN THE HIGH COURT OF DELHI AT NEW DELHI

2/48
1053-1064

No. DHC/Gaz/G-2/P/1053-1064/2023

Date: 9th February, 2023.

From:

The Registrar General,
High Court of Delhi,
New Delhi-110003.



To,

1. The Principal District & Sessions Judge (HQ), Tis Hazari Court Complex, Delhi.
2. The Principal District & Sessions Judge (South), Saket Court Complex, Delhi.
3. The Principal District & Sessions Judge (North-West), Rohini Court Complex, Delhi
4. The Principal District & Sessions Judge (New Delhi), Patiala House Court Complex, New Delhi.
5. The Principal District & Sessions Judge (East), Karkardooms Court Complex, Delhi.
6. The Principal District & Sessions Judge (North), Rohini Court Complex, Delhi.
7. The Principal District & Sessions Judge (South-West), Dwarka Court Complex, Delhi.
8. The Principal District & Sessions Judge-cum-Special Judge (PC Act) (CBI), RACC Courts Complex, Delhi.
9. The Principal District & Sessions Judge (South-East), Saket Court Complex, Delhi
10. The Principal District & Sessions Judge (North-East), Karkardooms Court Complex, Delhi.
11. The Principal District & Sessions Judge (West), Tis Hazari Court Complex, Delhi
12. The Principal District & Sessions Judge (Shahdara), Karkardooms Court Complex, Delhi.

Sub: Order dated 03.02.2023 passed by Hon'ble Supreme Court of India in M.A. No. 2034/2022 in M.A. No. 1849/2021 in Special Leave Petition (Crl.) No. 5191/2021 titled "Satender Kumar Anil vs. Central Bureau of Investigation & Anr".

Sir/Madam,

I am directed to forward herewith a copy of order dated 03.02.2023 passed by Hon'ble Supreme Court of India in M.A. No. 2034/2022 in M.A. No. 1849/2021 in Special Leave Petition (Crl.) No. 5191/2021 titled "Satender Kumar Anil vs. Central Bureau of Investigation & Anr" with the request to furnish the information as per the enclosed formats i.e Annexure-'A' and Annexure-'B' respectively in respect of your districts as mentioned in the said judgement latest by 04.03.2023.

Yours sincerely,

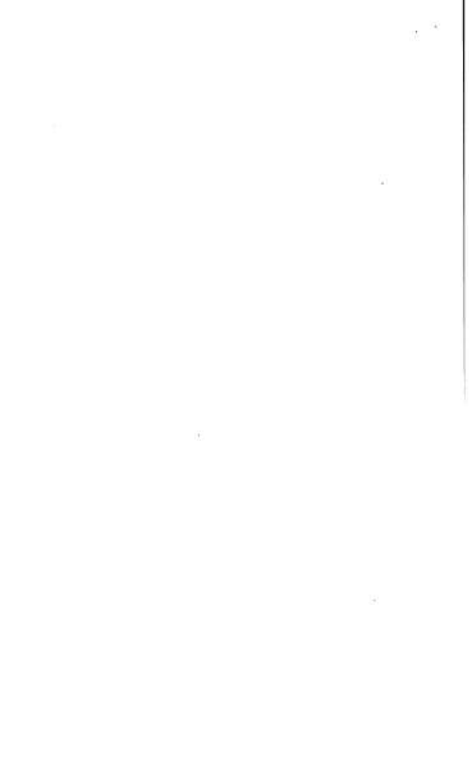
(S.S. Bhatnagar)

Joint Registrar (Ozette-IB)
for Registrar General.

Gent. Br.

P. 2087/1000
10/02/23

Encl. As above



ANNEXURE 'B'

PART B (Giving details District and Court wise)						
S. No	District	No. of Undertrial Prisoners identified who are unable to comply with the bail condition (for be also annexed) (para 73(A))	Whether the undertrial prisoners mentioned in column 3 have been informed about their right u/s 440 (2) CrPC	Total no. of application received under section 440(2) CrPC (Not to be annexed)	Number of Regular bail application not decided within 2 weeks of institution	Number of anticipatory bail application not decided within six weeks of institution.

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ITER NO.6

COURT NO.2

SECTION II

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Miscellaneous Application No.2034/2022 in WA 1849/2021 in SLP(CrI) No. 5191/2021

SATENDER KUMAR ANTIL

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.I. 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. Sibò Sankar Mishra, Advocate for high court of Orissa
Mr. Abhisanyu Tewari, Advocate for State of Arunachal Pradesh,
Mr. Soesanadri Soud 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 Arputhas Aruna & Co., Advocate for High Court of Sikkim;
Mr. Apoorv Kurup, Advocate for High Court of Chhattisgarh;
Mr. Gaurav Agrawal, Advocats for High Court of Patna;
Mr. Apoorv Shukla, Advocate for high court of Allahabad;
Dr. Joseph Aristatle S., Advocate for State of Tamil Nadu;
Mr. Runal Chatterji, Advocate for the high court of calcutta;
Ms Manisha Asbawani, Advocate for the high court jaipur bench }

WITH

WA 2035/2022 in SLP(CrI) No. 5191/2021 (II)
(IA No. 188259/2022 - 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 Notion

(5)

For Petitioner(s) Mr. Sidharth Iuthra, 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. Uday Khanna, Adv.
Mr. Mohd Akhil, Adv.
Mrs. Priyanka Das, Adv.
Mr. Anand Venkatesh, Adv.
Mr. Ritviz Rishabh, Adv.
Mrs. Sairica Raju, Adv.
Mr. Padmesh Mishra, Adv.
Mrs. Shradha Deshpande, Adv.
Mr. Arvind Kumar Sharma, AOR
Ms. Ashina 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. Sonanadri Saud Katar, AOR
Mr. Sirajuddin, Adv.

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

Mr. Yashvardhan, Adv.
Mr. Apoorv Shukla, Adv.
Ms. Seeta Kant, Adv.
Ms. Kritika Nagpal, Adv.
Mr. Tarun Shushan, Adv.
Ms. Prabhleen Shukla, Adv.

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

Mr. Kunal Chatterji, Adv

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

Mr. Arjun Barg, AOR
Mr. S. Mahesh Sahasrananjan, Adv.
Mr. Aakash Mandolia, 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. Mehara, 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. Jharkhand
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 "Arneah 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 for application while considering the bail application under section 80, 87, 294 & 299 CrPC [para 73(w)]	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 Singh vs JOD (2015) 18 SCC 605 for release of under trial prisoners 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)]

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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 75(h)]	Whether the under trial prisoners mentioned in column 3 have been informed about their right u/s 448 CrPC	Total no of applicat ion received under section 449(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 675 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 DHYANI PANT)
COURT MASTER

(POONAM VAID)
COURT MASTER