SMT. K. SUJANA
REGISTRAR GENERAL

HYDERABAD
Dt:15.02.2023

ROC.NO.1457/SO/2022

To

All the Unit Heads in the State of Telangana,

Sir/Madam,

Sub:- High Court for the State of Telangana – Letter received from the Assistant Registrar, Supreme Court of India – Forwarded a copy of the Order dated 03.02.2023 in Miscellaneous Application No. 2034 of 2022 in M.A 1849/2021 in Special Leave Petition (Crl.) No. 5191 of 2021 between Satender Kumar Antil Vs. Central Bureau of Investigation & Anr. – Certain directions issued – As directed – Request to furnish information in tabular chart and also to comply with the directions - Reg.

Ref: - D.No. 37889/2022/SEC-II, dated 08.02.2023 from the Assistant Registrar, Supreme Court of India, New Delhi.

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Adverting to the above subject and reference cited, I am to inform that the Hon'ble Supreme Court of India in its Order dated 03.02.2023 in Miscellaneous Application No. 2034 of 2022 in M.A 1849/2021 in Special Leave Petition (Crl.) No. 5191 of 2021 between Satender Kumar Antil Vs. Central Bureau of Investigation & Anr. issued certain directions to the High Court to call for information in tabular chart (giving details District and Court-wise) Part-A & Part-B pertaining the information from the District Judiciary.

Further the Hon'ble Supreme Court of India has directed to file an Affidavit whether the aspect mentioned in the Judgment in 'Siddharth Vs. State of U.P' have been monitoring or not and whether Judicial Officers are not complying with this aspects.

Therefore, as directed I am enclosing herewith a copy of the above said Order of the Supreme Court of India and request you to furnish the information in tabular chart (giving details District and Court-wise) Part-A & Part-B pertaining the information from the District Judiciary **immediately.**

Further, I am to request you to circulate the copy of the above said Order to all the Presiding Officers of your unit for compliance of the directions laid down by the Supreme Court of India.

Yours sincerely,

REGISTRAR GENERAL

Endt.Dis.No. 324 **/2023/A1,** **Dated:** 16 **-02-2023.**

"while communicating the Order dated 03.02.2023 in M.A.1849/2021 in Special Leave Petition (Crl.) No.5191/2021 of the Hon'ble Supreme Court of India, you are hereby directed to furnish the information in tabular chart Part-A & Part-B, immediately".

PRL.DISTRICT & SESSIONS JUDGE,
YADADRI-BHONGIR.

To
All the Judicial Officers in the Yadari-Bhongir District Unit.

ITEM NO.6 COURT NO.2 SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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

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. Tapesh 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 *Bhim Singh vs UOI* (2015) 13 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)]

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 application received under section 440(2) CrPC (list 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.

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 DHYANI PANT)
COURT MASTER

(POONAM VAID)
COURT MASTER