

ITEM NO.13 Court 9 (Video Conferencing) SECTION II-A

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 9414/2021

(Arising out of impugned final judgment and order dated 05-04-2021 in PIL No. 6/2021 05-04-2021 in WP No. 1541/2021 05-04-2021 in PIL St No. 6072/2021 passed by the High Court Of Judicature At Bombay)

ANIL DESHMUKH Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS. ETC. Respondent(s)

(FOR ADMISSION and I.R. and IA No.50197/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.50199/2021-EXEMPTION FROM FILING O.T. and IA No.50195/2021-PERMISSION TO FILE PETITION (SLP)

WITH

SLP(Cr1) No. 2999-3002/2021 (II-A)

(FOR ADMISSION and I.R. and IA No.50364/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.50365/2021-EXEMPTION FROM FILING O.T., I.A NO. 50759/2021- INTERVENTION APPLICATION)

Date : 08-04-2021 These petitions were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s)

Mr. Kapil Sibal, Sr. Adv.
Mr. Sudhanshu S. Choudhari, AOR
Mr. Mahesh P Shinde, Adv.
Mr. Vatsalya Vigya, Adv.
Mr. Shakul R Ghatole, Adv.
Ms. Rucha A Pande, Adv.
Mr. Adit S Pujari, Adv.
Mr. Raghav Tankha, Adv.
Mr. Anand Dilip Daga, Adv.

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Rahul Chitnis, Adv.
Mr.Sachin Patil, AOR
Mr. Akshay Shinde, Adv.

Mr. Aaditya A Pande, Adv.
 Mr. Geo Joseph, adv.
 Mr. Manoj Badgujar, Adv.

For Respondent(s)

Mr. Harish N Salve, Sr. Adv.
 Dr. Gunratan Sadavarte, Adv.
 Mr. Siddharth Dharmadhikari, Adv.
 Mr. Pawan Kumar Shukla, Adv.
 Mr. Pankaj Kumar Singh, Adv.
 Mr. Makrand Pratap Singh, Adv.
 Mr. Kamal Kumar Pandey, Adv.
 Mr. Mukesh Verma, Adv.
 Mr. Raj Singh Rana, AOR

Mr. Mukul Rohatgi, Sr. Adv.
 Mr. Vikram Nankani, Sr. Adv.
 Mr. Puneet Bali, Sr. Adv.
 Mr. Chetan Kapadia, Sr. Adv.
 Mr. Utsav Trivedi, Adv.
 Mr. Abhinay, AOR
 Ms. Srishti Kumar, Adv.
 Mr. Himanshu Sachdeva, Adv.
 Ms. Shivani Bhushan, Adv.
 Mr. Aishwarya Samal, Adv.

Intervening party Mr. Ranjit Kumar, Sr. Adv.
 Mr. Karan Dev Chopra, AOR

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

Permission to file SLPs. is granted in D.NO.
 9414/2021.

De hors the niceties of an elaborate order passed by the High Court, we are of the view that the nature of allegations, the personas involved and the seriousness of the allegations do require an independent agency to enquire into the matter. It is a matter of public confidence given the factual scenario. We may also add that what has been directed is only a preliminary enquiry albeit by an independent agency.

We are unable to accept the contentions of Dr. A.M. Singhvi, learned senior counsel that merely because the Home Minister has resigned after the impugned order would be a factor not to direct enquiry by an independent agency. The two personas held post of Home Minister and Commissioner of Police for a long period and the latter would be a post of confidence of the former. Further, we are unable to accept the contention of Mr. Kapil Sibal, learned senior counsel that even for directing a preliminary enquiry, the petitioner Mr. Anil Deshmukh is mandatorily entitled to be heard in his individual capacity even though the State Government was represented and he was a Minister at that time.

For the aforesaid reasons, we are not inclined to interfere with the impugned order(s).

The special leave petitions are dismissed.

In view of the above order, the application for intervention in SLP(Crl.) Nos. 2999-3002/2021 stands closed.

Pending applications stand disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[PRADEEP KUMAR]
COURT MASTER (NSH)