

OUT TODAY

ITEM NO.301

COURT NO.4

SECTION PIL-W

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

SMW (C) No. 1 OF 2019

IN RE : MATTER OF GREAT PUBLIC IMPORTANCE
TOUCHING UPON THE INDEPENDENCE OF JUDICIARY
- MENTIONED BY SHRI TUSHAR MEHTA,
SOLICITOR GENERAL OF INDIA

Petitioner(s)

VERSUS

Respondent(s)

(ALONG WITH AFFIDAVIT FILED BY MR. UTSAV SINGH BAINS, ADVOCATE)

Date : 24-04-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE DEEPAK GUPTA

Counsel for the
parties

By Courts Motion, AOR

Mr. K. K. Venugopal, Attorney General
Mr. Tushar Mehta, Solicitor General
Mr. R. Balasubramaniam, Sr. Adv.
Mr. Ankur Talwar, Adv.

Mr. Rakesh Kumar Khanna, Sr. Adv.
Mr. Pradeep Kumar Rai, Sr. Adv.
Mr. Jitender Mohan Sharma, Sr. Adv.
Mr. Jayant K. Sud, Sr. Adv.
Mr. Vikrant Yadav, Adv.
Mr. Ajay Bansal, Adv.
Mr. Gaurav Yadava, Adv.
Mr. Vikas Bansal, Adv.
Mr. Sanjay Kumar, Adv.
Mr. Rohit Pandey, Adv.
Mr. Upendra Mishra, Adv.
Mr. Upendra Narayan Mishra, Adv.
Mr. Amrender Kumar Singh, Adv.

Ms. Indira Jaising, Sr. Adv.
(in-person)

Mr. Utsav Singh Bains, Adv.
(in-person)

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

Mr. Utsav Singh Bains, Advocate, is present in Court today.

He has given an affidavit in Court in a sealed cover. The same is taken on record. It is to be kept in a sealed cover in total confidentiality, as it contains highly sensitive information pertaining to the alleged conspiracy, according to him, to frame Hon'ble The Chief Justice of India into a case of sexual harassment. In that connection, he has stated to have met with certain persons at certain places.

We requested the Director of Central Bureau of Investigation (CBI), The Director of Intelligence Bureau (IB) and the Commissioner of Police, Delhi, to report to this Court and requested them to seize the relevant material in order to support the contents of the affidavit furnished by the officer of the Court, Mr. Utsav Singh Bains, Advocate.

He has further mentioned in the affidavit that the disgruntled employees have ganged together in order to frame Hon'ble The Chief Justice of India in the false charge of sexual harassment after their dismissal from their services. He has named in particular, names of Tapan Kumar Chakraborty and Manav Sharma and others.

In the affidavit, he has also given certain names and has also alleged that they have asserted that they could fix the Bench of the Judges. This is a very serious aspect of the affidavit filed by Mr. Utsav Singh Bains, a young man whose entire career is before him. He knows the consequences of filing false affidavit in this

Court. Considering the seriousness of the allegations as the system has absolutely no place for such fixers, we cannot leave the matter at that. It becomes our responsibility to keep this Institution clean as well as to ensure that the image of this Institution is not tarnished by such allegations to undertake the probe in the matter. Before we order that and work out the modalities since Mr. Utsav Singh Bains, Advocate, has submitted that he is in the process of filing an additional information in the form of an affidavit and that he will file the affidavit by 10.30 AM tomorrow i.e. on 25.04.2019, let him file the affidavit in the Court at 10.30 AM tomorrow, containing all the relevant information.

At the same time, with respect to some information in the affidavit filed earlier, he has claimed that certain information is privileged. Before we further dilate whether any privilege can be claimed or not, we would like to hear him as well as the learned Attorney General and the President of the Supreme Court Bar Association, who is incidentally present in Court today. They are requested to assist and guide us as to how much privilege can be claimed in such matters and to what extent.

Ms. Indira Jaising, learned senior counsel, has requested us to make it clear that the affidavits filed in Court and the order passed should not affect the inquiry to be conducted on administrative side in any manner whatsoever. We clarify that the exercise which is undertaken by the Court on judicial side is outside the scope of the said matter, the correctness of which has to be looked into on the administrative side by the appropriate

authorities. We are taking up the matter so as to ascertain the correctness of the averments made in the affidavit, to ascertain the various aspects which have been mentioned which cannot be done without proper investigation and any order passed on judicial side by this Court shall not affect the matter on administrative side.

Let the police protection given to Mr. Utsav Singh Bains, Advocate, continue until further orders.

Let the matter be listed tomorrow i.e. on 25.04.2019 at 10.30AM.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER