

ITEM NO.61

COURT NO.1

SECTION PIL-W

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

Suo Motu Writ Petition (Criminal) No.1/2019

IN RE: ALARMING RISE IN THE NUMBER OF REPORTED CHILD RAPE
INCIDENTS

Date : 02-08-2019 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Mr. D. Ram Krishna Reddy, Adv.

For Respondent(s)

Mr. Tushar Mehta, SG
Mr. Rajat Nair, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Arvind Kumar Sharma, AOR

State of U.P.

Mr. Ranjit Kumar, Sr. Adv.
Ms. Garima Prasad, Adv.
Mr. Sarvesh Singh Baghel, Adv.
Mr. Pranav Kaashyap, Adv.
Mr. Rishi Raj Sharma, Adv.
Ms. Saumya Jaykaran Singh, Adv.
Ms. Harshita Raghuvanshi, Adv.

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

The matter has been taken up on a mention being made
by the learned Solicitor General of India.

At the hearing, the learned Solicitor General has
placed before the Court a communication received from the
concerned competent authority of the Central Bureau of
Investigation (CBI), wherein it is stated that arrested
accused in connection with R.C. No.0062019S0012 of 2019 are

required to be produced on remand before the Judicial Magistrate, C.B.I., Lucknow. Such of the accused who may be arrested in connection with the said case from time to time would also be required to be produced before the competent court. However, as this Court by its order dated 1st August, 2019, has transferred the said case along with other cases to a court in Delhi, the Judicial Magistrate, C.B.I., Lucknow is facing the problem of jurisdiction and competence to pass orders on applications moved by the C.B.I. in connection with the ongoing investigation and also to pass remand orders from time to time or such other orders in connection with the investigation as may be required.

The learned Solicitor General, therefore, has prayed that the transfer of R.C. No.0062019S0012 may be postponed till the investigation is completed so as to enable the local C.B.I. court to pass order in connection with the ongoing investigation.

Having considered the matter, we are of the view that the prayer made ought to be acceded to. We, therefore, modify our order dated 1st August, 2019, to the limited extent that transfer of R.C. No.0062019S0012 of 2019 from the C.B.I. court in Lucknow to the competent court in Delhi, shall remain in abeyance for the period during which the said case remains under investigation, which we have stipulated in the order dated 1st August, 2019, to be completed in a maximum period of 15 days, preferably within 7 days.

The order dated 1st August, 2019, is modified accordingly.

(Chetan Kumar)
A.R. -cum-P.S.

(Anand Prakash)
Court Master