

ITEM NO.14

COURT NO.2

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

Writ Petition(s) (Criminal) No(s). 176/2017

KAMINI JAISWAL

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

Date : 09-11-2017 This petition was called on for hearing at
12.45 p.m. today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. Dushyant Dave, Sr. Adv.
Mr. Rohit Kumar Singh, Adv.
Mr. Abhimanue Shrestha, AOR
Ms. Rani Mishra, Adv.
Mr. Jatinder Pal Singh, Adv.
Ms. Shruti Dutt, Adv.

For Respondent(s)

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

Issue notice.

Dasti, in addition, is permitted.

This matter was taken on Board upon being mentioned in the morning at 10.30 a.m. On an inquiry from the Bench regarding the urgency in the matter, it was brought to the notice of the Court that a certain case is registered by the Central Bureau of Investigation against a retired High Court Judge of this country containing serious allegations implicating the said Judge, shown as accused in the FIR No. 10(A) under Section 8 and Section 120 B of the Prevention of Corruption Act, 1988. The FIR contained certain allegations which are disturbing. The allegations pertain

to the functioning of this Court. On perusal of the FIR which was placed before us in the morning, we thought it necessary and proper to take up the matter immediately.

Therefore, permission was granted to move the matter today at 12.45 p.m. before this Court. Accordingly the papers are placed before us at 12.45 p.m.

Mr. Dushyant Dave, learned senior counsel makes submissions highlighting various aspects of the matter, the details of which we do not propose to make in this order. But, at the same time, we are also duty bound to place the developments that when the hearing of the matter was in progress, the Officer of the Registry placed a xerox copy of the proceedings purportedly issued by Hon'ble the Chief Justice of India, a copy of which is annexed to this Order.

Having regard to the totality of the circumstances, we deem it appropriate that this matter be heard by the Constitution Bench of the first five Judges in the order of seniority of this Court. Having regard to the importance of the matter, we also deem it appropriate that the matter be listed on Monday, the 13th November, 2017.

Having regard to the nature of the case, it is also necessary to make an interim order regarding the custody of the case diary and all the materials collected by the second respondent during the course of the investigation of the above-mentioned crime. We, therefore, deem it appropriate to direct the second respondent to produce the entire material collected by the CBI in the course of

the investigation of the crime and keep it in a sealed cover and produce the same before the Constitution Bench on Monday, the 13th November, 2017.

Communicate this order to the second respondent forthwith.

(DEEPAK MANSUKHANI)
AR CUM PS

(RAJINDER KAUR)
BRANCH OFFICER

ITEM NO.801

COURT NO.2

SECTION ...

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

WRIT PETITION (CIVIL)OF 2017
Diary No(s). 35980/2017

KAMINI JAISWAL

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

Date : 09-11-2017 This petition was mentioned today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. Dushyant Dave, Sr. Adv.

Ms. Kamini Jaiswal
Petitioner-in-person

For Respondent(s)

UPON being mentioned the Court made the following
O R D E R

Mr. Dushyant Dave, learned senior counsel mentioned the matter and prays that due to urgency, the matter be listed today.

The matter is taken on Board.

The Registry is directed to list the matter before this Bench at 12.45 p.m. today.

(OM PARKASH SHARMA)
AR CUM PS

(RAJINDER KAUR)
COURT MASTER

SUBMITTED TO HON'BLE THE CHIEF JUSTICE OF INDIA

As directed, this note is submitted seeking Your Lordship's direction regarding listing of the matters which after oral mentioning are required to be listed on the same day.

Respectfully, it is submitted that oral mentioning is done before the Hon'ble Chief Justice of India. In case Hon'ble the Chief Justice of India is sitting in the Constitution Bench oral mentioning is permitted before the Court presided over by the next Hon'ble Senior Judge. In the recent past when Your Lordship has presided over a Constitution Bench, upon oral mentioning directions have been issued to list the matter(s) before the appropriate Bench on the same day. In some cases it was found that the Bench before which the matter was to be listed was unavailable and in some cases fresh directions were required to be sought from Hon'ble the Chief Justice of India. In these cases due to short time available for seeking directions from Hon'ble the Chief Justice of India as also due to prior appointments of Hon'ble the Chief Justice of India during the intervening period, it becomes difficult to seek directions. Your Lordship has been pleased to direct that in future whenever such directions are issued, the matter(s) be listed before the Bench presided over by Hon'ble the Chief Justice of India at 3:00 p.m. or at such time as may be indicated by Your Lordship, on the same day or before such Bench as directed by the Hon'ble Chief Justice of India.

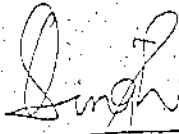
In view of the above, directions of Your Lordship are solicited on the following:-

(A) When Hon'ble the Chief Justice of India is in the Constitution Bench and any matter(s) upon oral mentioning is directed to be listed on the same day before the appropriate Bench, such matter(s) be listed, with an appropriate office report, before the Bench presided over by Hon'ble the Chief Justice of India on the same day at 3:00 p.m. or at such time as may be indicated by Hon'ble the Chief Justice of India or before such Bench as directed by the Hon'ble Chief Justice of India.

OR

(B) Any other direction as Your Lordship may deem fit to pass.


06.11.17
Kapil Mehta
Registrar J-II


Chirag Bhanu Singh
Registrar J-I

Ld. Secretary General

Hon'ble the Chief Justice of India

Respectfully submitted as per A & B above

A
Sd
CJI
6-11-17

6-11-17