

SUPREME COURT OF INDIA

Vijay Shekhar

Vs.

Union of India

W.P (C) No. 46 of 2004

(S. H. Kapadia, N. Santosh Hegde and S. B. Sinha JJ.)

20.07.2004

JUDGMENT

1. Pursuant to the directions issued by this Court the High Court of Gujarat has filed report dated 15th July, 2004 indicating the steps taken by the Gujarat High Court as against the Presiding Officer of Metropolitan Magistrate Court, Ahmedabad who had issuedailable warrants against the named persons. The report also indicated the steps taken by them in the administrative side to prevent the occurrence of such episodes. But from the report we are not able to find out whether during the course of the inquiry conducted by the High Court, the High Court had come to know of any other similar incident which had taken place within its jurisdiction. The learned Solicitor General appearing for CBI has filed the report of the CBI indicating that they had recorded the statements of various people but they have not been able to find out whether such misdeeds are being practiced in a systematic manner, however they have in their report pointed out that this court earlier in the case of *Manohar M. Galani Vs. Ashok Kumar Adwani*¹ had given directions to the Gujarat High Court to take on record a public interest litigation filed before it and dispose of the same in terms of the directions issued in the said judgment but inspite of that the same writ petition has not yet been disposed of by the High Court. The learned Solicitor General also submits that they have recorded the statement of V. Shekhar who has not told the investigation agency any thing more than the fact that he was informed by Manohar M. Galani about the manner in which warrants were obtained from the Magistrial Courts in Gujarat without giving any particulars.

2. In this background we direct the High Court of Gujarat to file a report informing this Court whether it has come to its knowledge from its inquiry that any other similar cases have come to its knowledge or not. # The High Court will also report to this court the status of Special Civil Application No. 13258/94 and the reasons why same has not been disposed of till date.

3. We direct the learned counsel appearing for Sh. V. Shekhar to file a further affidavit because he in his petition filed before this Court had stated that he had come to know that "such malafide misuser of criminal process is taking place in the subordinate courts all over the country" . If that be so we call upon the said V. Shekhar to substantiate this statement by

indicating the source of information obtained by him. We grant two weeks time to him to file an affidavit in this regard as also to the High Court of Gujarat to file its further report bearing in mind the observations made herein above. List this matter after three weeks.

¹1999 8 SCC 737