

Press Note

News items have been published in daily newspapers 'Hindustan Times' published from Lucknow on September, 20th, 2010 and weekly news magazine 'Outlook' on October 4th, 2010, alleging that Hon'ble the Chief Justice of Allahabad High Court has by a specific order withdrawn a criminal PIL pertaining to sanction of prosecution against Hon'ble the Chief Minister and Shri Nasimuddin Siddiqui, the Cabinet Minister, which has necessitated this press note.

A note was put up by the registry at Lucknow Bench of the High Court on 23rd July, 2010 on the report of the Computer Section reporting huge pendency of PIL matters and to bifurcate such matters into categories (Civil and Criminal). The note was approved by Hon'ble the Chief Justice on 30.7.2010. The registry proceeded with bifurcating the PIL matters and proposed arrangement on 20.8.2010 for classifying respective Benches, which was approved by Hon'ble the Chief Justice on 20.8.2010. The PIL (Civil) matters were to be heard by the Bench presided over by Hon'ble Mr. Justice Pradeep Kant in Court No.1, and PIL (Criminal) matters were to be presided over by Hon'ble Mr. Justice A. Matin in Court No.25.

A judicial order was passed by Hon'ble Mr. Justice Rajiv Sharma and Hon'ble Mr. Justice Virendra Singh on 23.8.2010 in Writ Petition NO.8254 (MB) of 2010 (M/s Pepsi Company India Holding Pvt. Ltd. & Anr. Vs. State of U.P. through its Secretary, Food and Civil Supplies, Lucknow), seeking clarification from Hon'ble the Chief Justice as to whether the matters in which main relief claimed is for quashing the Executive Circular/ Government Order and the relief consequent upon main relief is for quashing of FIR. In compliance with the judicial order the registry put up a note on 27.8.2010 before Hon'ble the Chief Justice for seeking clarification. Hon'ble the Chief Justice clarified on 28th August, 2010, that such matters will be treated as PIL (Criminal) matters. A separate order was also passed by Hon'ble the Chief Justice on the Office Note dated 28.8.2010 on the same day, that the aforesaid matter (M/s Pepsico India Holding Ltd.) will be treated as PIL matter.

On 28th August, 2010 an administrative order was also issued by Hon'ble the Chief Justice notifying the bifurcation of the PIL matters into

civil and criminal and the Benches before which these matters will be listed at Lucknow. This order clarified in para 4 as follows:-

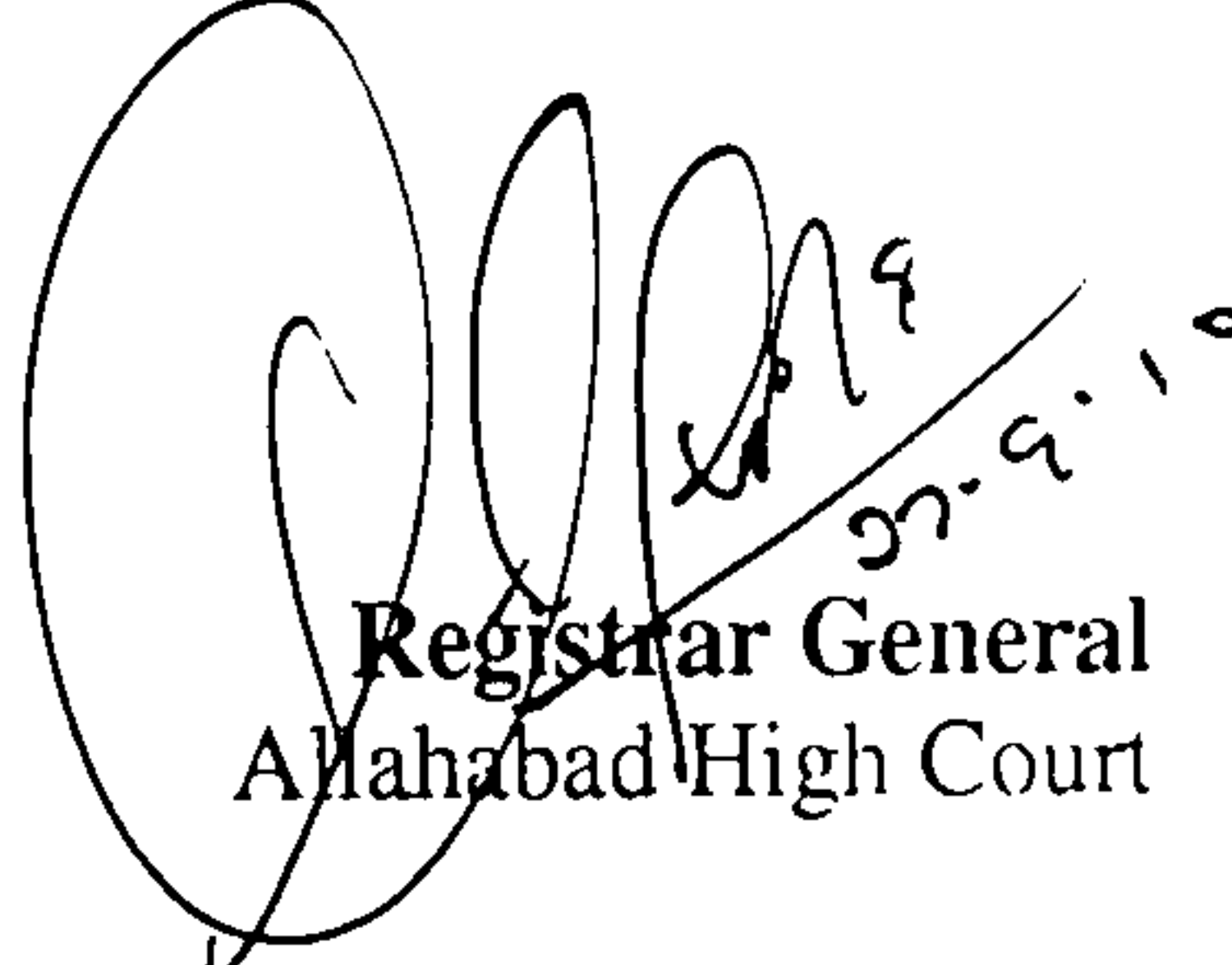
"4. Only those matters, which are reserved for judgment or where final arguments are part heard, will be retained with the Benches hearing such matters."

The news item referred to as above, has given an impression that Hon'ble the Chief Justice has withdrawn a particular matter relating to sanction of prosecution against the Chief Minister (Writ Petition No.2087 (MB) of 2009, Anupama Singh Vs. Central Bureau of Investigation & Ors.) from the Bench presided by Hon'ble Pradeep Kant, J.

The correct facts are that Hon'ble the Chief Justice has for administrative convenience in exercise of the exclusive powers vested in him, classified the PIL work into civil and criminal, with clarification that those matters, which are reserved for judgment or where final arguments are part heard, will be retained with the Benches hearing such matters. The impression created by the news items that Hon'ble the Chief Justice has passed any specific order withdrawing the matter from the Bench presided by Hon'ble Pradeep Kant, J. is factually incorrect.

It is misleading to suggest that Hon'ble the Chief Justice has passed any orders withdrawing the aforesaid case, from the Bench presided by Hon'ble Pradeep Kant, J. Rather the same Bench (Hon'ble Pradeep Kant, J. and Hon'ble Shabihul Hasnain, J.) is still seized with the matter and has passed detailed orders on 23rd September, 2010 in which orders were reserved by the same Bench on 23rd August, 2010.

The aforesaid facts are being notified to dispel any doubts created by the aforesaid news item.


Registrar General
Allahabad High Court