

# Commandant 115 Btn C.R.P.F. vs Sant Raj Yadav on 24 January, 2020

**Bench: Deepak Gupta, Aniruddha Bose**

ITEM NO.43

COURT NO.15

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No(s). 31401/2017

(Arising out of impugned final judgment and order dated 27-03-2017  
in SA No. 1556/2011 passed by the High Court Of Judicature At  
Allahabad)

COMMANDANT 115 BTN C.R.P.F. & ORS.

Petitioner(s)

VERSUS

SANT RAJ YADAV

Respondent(s)

(IA No.117999/2017-STAY APPLICATION and IA No.114781/2017-EXEMPTION  
FROM FILING O.T. and IA No.735/2018-EXEMPTION FROM FILING O.T.  
IA No. 735/2018 - EXEMPTION FROM FILING O.T.  
IA No. 114781/2017 - EXEMPTION FROM FILING O.T.  
IA No. 105629/2017 - EXEMPTION FROM FILING O.T.  
IA No. 117999/2017 - STAY APPLICATION)

Date : 24-01-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Ms. Pinky Anand,ASG.  
Ms. Rekha Pandey,Adv.  
Mr. Bharat Singh,Adv.  
Mr. V.Balaji,Adv.  
Mr. Hemant Arya,Adv.  
Mr. Aman Singh,Adv.  
Mr. B. V. Balaram Das, AOR

For Respondent(s)

Mr. Tripurari Ray,Adv.  
Mr. Balwant Singh Billowria,Adv.  
Mr. Atul Wadera,Adv.  
Mr. Vivekanand Singh,Adv.  
Mr. Nitish Shekhar,Adv.  
Mr. Manu Shanker Mishra, AOR

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

Reason: The main dispute in this case is whether the respondent Sant Raj Yadav was involved in a criminal case. On 2.12.2019 we had passed the following order:

“From the record we find that the petitioners have filed documents at Annexure.P-11, which is a letter addressed to the Deputy Commissioner of Police, Group Centre, CRPF., Faridabad and sent by the Superintendent of Police, Deoria, in which the following averments have been made:

“(a) Case No.196/93 under Section 392, 511, 506 of IPC and Case No.197/93 under Section 25A of the Act are being upon registration by the local police station perused wherein on 16.12.93, former soldier Santraj Yadav was arrested by Bharwar Rani, and sent to jail. In the above case, the charge sheet number A-11 dated 7.2.94 and A-12-7.2.94 respectively were forwarded to the Hon’ble High Court, and the former soldier Santraj Yadav was granted bail on 1.2.94 by the Hon’ble court.

F.R.No. 9-10 dated 4.5.2011 were registered and recorded in the records as No.4 of 1993.’ If these averments are true, then the respondent was fully aware of the criminal cases. Let the respondent file the counter affidavit specifically dealing with this letter, within four weeks.

It is made clear that no further adjournment will be granted.

List on 24.1.2020.” Thereafter Sant Raj Yadav has filed certain documents indicating that he was not in jail. The respondent states that he was neither aware of this case nor he has taken any bail. In the affidavit filed by the Union of India, there is reference of bail order.

Let the order of bail be filed before 20.4.2020. List on 20.4.2020.

(SUMAN WADHWA)  
AR CUM PS

(PRADEEP KUMAR)  
BRANCH OFFICER