

Court No. - 40

Case :- WRIT - C No. - 28060 of 2023

Petitioner :- Krishna Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Chandan Sharma, Akshay Pratap, Shikha Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and Shri Ambrish Shukla, learned Addl. Chief Standing Counsel.

2. Present writ petition has been preferred for following reliefs:-

"(a) Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 27.7.2023 passed by the Commissioner of Police, Varanasi Commissionerate, Varanasi/respondent no.2 whereby police protection has been granted to the petitioner at 50% personal expense (i.e. Rs.62,665.5/- per month), for a period of two months (Annexure-1 to this petition);

(b) Issue a writ, order or direction in the nature of mandamus commanding and directing the Commissioner of Police, Varanasi Commissionerate, Varanasi/ respondent no.2 to provide full time security cover to the petitioner in accordance with Witness Protection Scheme-2018 as well as Government Orders dated 9.5.2014 and 1.1.2016 issued by the State Government as well as in view of the threat perception existing upon the petitioner."

3. On the matter being taken up today, learned Addl. Chief Standing Counsel has produced the detailed instructions sent by the Police Commissioner, Varanasi, which is taken on record. On the basis of instructions, it is submitted that the petitioner has been provided security to attend the court proceeding under the Witness Protection Scheme and even the local police station has also been directed to take regular vigil in the matter. On the application being moved by the petitioner for providing regular security on payment of 50% charge, the Commissioner of Police, Varanasi after considering the entire facts and circumstances as well as the relevant Government Orders has passed the order impugned according security on payment of 50% expenses. Since the petitioner has not deposited the requisite expenses and as such regular security has not been provided to him. He submits that order impugned has been passed strictly in accordance with law and there is no infirmity in it.

4. We have proceeded to examine the record in question as well as the categorical instructions placed before us. The petitioner has not been able to substantiate his claim so as to make interference with

the order impugned under Art.226 of the Constitution of India.

5. The writ petition stands **dismissed** accordingly.

Order Date :- 19.10.2023

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