

Court No. - 40

Case :- WRIT - C No. - 39300 of 2023

Petitioner :- Neeraj Mittal

Respondent :- State Of Uttar Pradesh And 2 Others

Counsel for Petitioner :- Agarwal Archi Piyush, Varad Nath

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri Vinay Saran, learned Senior Advocate, assisted by Mrs. Archi Agarwal, learned Counsel for the petitioner, Shri Ambrish Shukla, learned Standing Counsel for the State-respondents and perused the record.

2. By means of the instant petition, petitioner has prayed for following principal reliefs:-

"(i) Issue a writ, order or direction in the nature of Mandamus directing the Respondents to provide security to the petitioner under the Witness Protection Scheme, 2018 in accordance with law laid down by the Hon'ble Supreme Court in Mahendra Chawla and Others Vs. Union of India and Others reported in (2019) 14 SCC 615.

(ii) Issue a writ, order or direction in the nature of Mandamus directing the Respondents to decide the application dated 10.08.2023 (Annexure-1) filed by the petitioner under the Witness Protection Scheme, 2018."

3. Shri Vinay Saran, learned Senior Advocate submits that the present writ petition is preferred to provide protection/security to the petitioner as is contemplated under the Witness Protection Scheme of 2018 (in short the 'Scheme 2018') in terms of law laid down in ***Mahendra Chawla and others vs. Union of India and others reported in (2019) 14 SCC 615***. It is claimed that the petitioner is holding post of Vice-President of Meerut Business Association and is a reputed, respectable public figure in District Meerut. It appears that the petitioner had lodged a first information report, which was registered as Case Crime No.547/2015 under Section 307 I.P.C., P.S. Kankerkheda, District Meerut on 22.07.2015. It is claimed that in the said incident, the brother of petitioner was attacked by unidentified assailants, wherein, the fire shot has hit the leg of petitioner's brother. During the investigation, the accused persons were identified. It is pressed before us that a gang was operating in the region and the members of the gang were also chargesheeted under Section 147, 148, 149, 307, 386,

452, 120-B IPC. In the said incident, the chargesheet is already submitted and the trial is going on before the Court of learned Additional District Judge, Meerut bearing Sessions Trial No.547/2017, wherein, petitioner is the prime witness. In this backdrop, Shri Vinay Saran, learned Senior Advocate vehemently contended that on account of serious threat perception, as the petitioner is vulnerable witness, the application of petitioner is to be processed as per Scheme 2018 and in terms of law laid down in Mahendra Chawla (supra).

4. Shri Ambrish Shukla, learned Additional Chief Standing Counsel submits that the competent authority would definitely look into and examine the application filed by the petitioner under Scheme 2018, which deals with the categories of witness as per threat perception. In case an application is received before the Competent Authority through its Member Secretary seeking Witness Protection Order, he shall forthwith pass an order for calling threat analysis report from the concerned A.C.P./D.S.P. in the charge of the concerned police station and depending upon the urgency in the matter owing to imminent threat, the Competent Authority can pass orders for interim protection of the witness or his family members during the pendency of the application. He submits that the competent authority would definitely look into and examine the threat perception and process the application in terms of the Scheme 2018.

5. Considering the facts and circumstances of the case, no useful purpose would be served in keeping the writ petition pending consideration. Without entering into the merit of the case, the writ petition, on consent, stands ***disposed of*** directing the second respondent, Competent Authority, Witness Protection Scheme through its Member Secretary, District-Meerut to consider and decide the aforesaid representation of the petitioner, strictly as per Scheme 2018 as well as the law laid down in Mahendra Chawla (supra) within a period of ***six weeks*** by a reasoned and speaking order.

Order Date :- 16.11.2023
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