

ITEM NO.17

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Criminal) No(s). 113/2016

KAUSHAL KISHOR

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH AND ORS.

Respondent(s)

(With appln.(s) for ad interim orders and bringing on record the additional facts and permission to file additional documents)

Date : 07/12/2016 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE AMITAVA ROY

Mr. Fali S. Nariman. Sr. Adv. (AC)

For Petitioner(s) Mr. Kislay Pandey, Adv.  
M. Ankur Gogia, Adv.  
Mr. Rishi Kapur, Adv.  
Ms. Manju Jetley, Adv.

For Respondent(s) Mr. Mukul Rohatgi, AG  
Mr. Maninder Singh, ASG  
Mr. R. Balasubramonium, Adv.  
Mr. Prakash Gautama, Adv.  
Mr. Mukesh Kumar Maroria, AOR

Ms. Madhavi Divan, Adv.  
Ms. Nidha Khanna, Adv.

Mr. Kapil Sibal, Sr. Adv.  
Mr. Wasim Q. Qadri, Adv.  
Mr. Nizam Pasha, Adv.  
Mr. Jubair Ahmad Khan, Adv.  
Mr. Zaid Ali, Adv.  
Mr. Tamim Qadri, Adv.  
Mr. Mudasir Nabi, Adv.  
Mr. Lakshmi Raman Singh, Adv.

Mr. Ravi Prakash Mehrotra, Adv.

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

Mr. Mukul Rohatgi, learned Attorney General for India has

submitted that the Union of India has filed an affidavit stating, *inter alia*, that the victim shall be given admission in the Kendriya Vidyalaya situated at Sector 24 NOIDA, Uttar Pradesh in the academic session 2017-2018.

Mr. Kisley Pandey, learned counsel for the petitioner has taken note of the same. Needless to say, the present order is passed in the special facts and circumstances of the case. The other directions issued in the previous order shall remain undisturbed.

In pursuance of our earlier order, the respondent no.2 has filed an affidavit in Court. It is submitted by Mr. Rohatgi, learned Attorney General for India, who was requested to assist the Court, and Mr. Fali S. Nariman, learned *amicus curiae* that the affidavit does not meet the requirement of the order dated 17.11.2016 and it cannot be treated as an unconditional apology.

At this juncture, Mr. Kapil Sibal, learned senior counsel appearing for the respondent no.2 submitted that the affidavit may be ignored and he will file a fresh affidavit regard being had to paragraph 2 of the order dated 17.11.2012. The affidavit filed today by the respondent no.2 is ignored and the respondent no.2 shall file the requisite affidavit in terms of the order. Be it noted, Mr. Kapil Sibal, learned senior counsel submitted that instead of the word 'apology', the respondent no.2 intends to use the word 'remorse'. Whether the same would be accepted or not shall be debated on the next date.

Let the matter be listed on 15.12.2016.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master