**IN THE SUPREME COURT OF INDIA**(CIVIL APPELLATE JURISDICTION)
**SPECIAL LEAVE PETITION (C) NO. \_\_\_\_\_ OF 20\_\_**

IN THE MATTER OF:

R K P                                                                         ...PETITIONER

VERSUS

UNION OF INDIA AND ORS.                                     ...RESPONDENTS

**COUNTER AFFIDAVIT OF BEHALF OF RESPONDENT NO. 1**

I, \_\_\_\_\_, aged about \_\_ years, S/o \_\_\_\_\_\_\_\_\_\_\_\_\_, R/o House

No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly state and affirm as under;

1. That I am Respondent No. 1 in the abovementioned Special Leave Appeal and being familiar with the facts and circumstances of the case, hence am competent to swear this Affidavit.

2. That the contents of the present Special Leave Appeal filed by the Appellant (hereinafter referred to as "the Present SLP") has been read over to me in a vernacular language and I have understood the contents thereof, save and except what is specifically admitted herein, no part in the present SLP which is not expressly dealt with shall be deemed to be admitted and I crave Leave to those paragraphs during the course of argument as may be necessary.

3. I Say that the Answering Respondent is filing the instant Counter Affidavit to Present SLP to bring on record correct facts and circumstances of the case.

4. At the outset, I repeat, reiterate, confirm and adopt all that has been stated by Answering Respondent in the Writ Petition (PIL) No. \_\_\_\_ of \_\_\_\_. I say that the omission on my part to deal with any statement or contention made in the present SLP shall not be treated as admission thereof. I hereby deny each and every allegation, contention and submission contained in the present SLP under reply which is contrary to or inconsistent with what is stated by me hereunder. I reserve my right to file further affidavit in the matter if the need arises. I do not admit any of the allegations and contentions made by the Petitioners in the present Special Leave Appeal and deny everything that is stated therein so far as it is contrary to or inconsistent with anything that is stated by me hereinafter.

**PRELIMINARY SUBMISSIONS**

5. That the Present Special Leave Appeal concerns only the direction given by the Hon'ble High Court to CBI to hold a preliminary enquiry into the allegations of corruption against the Petitioner regarding his income and properties owned by him, his kith and kin. The Hon'ble High Court made it clear that when the CBI embarks upon a preliminary enquiry, the Petitioner should not be arrested, but could be interrogated and no case be registered against him. The CBI was directed to hold preliminary enquiry and submit report before the Hon'ble High Court.

6. That the Respondents have not pleaded any facts, or annexed any documents in this affidavit which were not pleaded or were not part of record in the Court below.

**REPLY ON MERITS**

7. The Answering respondent puts in its parawise reply to the petition subject to and without prejudice to the preliminary objections mentioned above:

1. Contents of Para 1 and 1A are matters of record and need no reply. Contents of paras hereinabove are reiterated and reaffirmed.

2. REPLY TO QUESTION OF LAW

It is denied that the Present Special Leave Petition raises any question of law much less substantial question of law of general public importance for consideration of this Hon'ble Court and is liable to be dismissed with costs. Without Prejudice the answering respondent submits as under:-

**A. TO C.**

The alleged questions of law under reply filed by the petitioner are baseless, misconceived and does not arise for consideration of this Hon'ble Court.

**D**

The alleged question of law under reply framed by the Petitioner is baseless, misconceived and does not arise for consideration by this Hon'ble Court.

**H**

The alleged question of law framed by the Petitioner is baseless, misconceived and does not arise for consideration by this Hon'ble court. The Hon'ble High Court has already considered all the facts and circumstances of the case and rightly pronounced its Judgment / Order.

3. Contents of the Para 3 are denied for want of knowledge. 4. Contents of Para 4 need no reply

**REPLY TO THE GROUNDS**

5. Contents of the Para 5 of the petition are misconceived and denied. Parawise reply to the grounds is as under:

**A, B, C & D**

Grounds A, B, C & D are misconceived, baseless and denied and the averments made in the paras hereinabove are reiterated and reaffirmed. That the contents of the ground under reply have been replied specifically in the preliminary submissions supra and the same are not repeated herein for the sake of brevity.

**E.**

Grounds E is misconceived, baseless and denied and the averments made in the paras hereinabove are reiterated and reaffirmed. That the contents of the ground under reply have been replied specifically in the preliminary submissions supra and the same are not repeated herein for the sake of brevity.

**6. REPLY TO GROUNDS FOR INTERIM RELIEF**

Contents of para 6 are misconceived, baseless, wrong and denied and submissions are in the para hereinabove are reiterated and reaffirmed.

**A TO J**

Contents of para A to J are misconceived, baseless, wrong and denied and submissions are in the para hereinabove are reiterated and reaffirmed. It is denied that the alleged petitioner has a prima facie case on merits and is likely to succeed before this Hon'ble Court at all. It is denied that the petitioner would suffer any irreparable loss or injury, as alleged or at all. The balance of convenience is in favour of the respondent. The answering Respondent has good prima-facie case while the petition is only speculative in nature.

In view of the abovementioned facts and law, it is respectfully submitted that the Special Leave Petition has no merit and deserves to be dismissed with costs.

DEPONENT

**VERIFICATION:**

I, the above named Deponent, do hereby verify that the contents of the above Affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at \_\_\_\_\_\_\_\_\_\_\_\_\_on this \_\_\_ day of \_\_\_\_\_\_\_\_ 20\_\_.

DEPONENT