

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

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 46 OF 2004

VIJAY SHEKHAR & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for directions and exemption from filing O.T.

and impleading party and office report)

(For final disposal)

Date: 05/09/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s)

Mr. A. Mariarputham, Adv.

Ms. Aruna Mathur, Adv.

for M/s Arputham, Aruna & Co., Adv.

Mr. Maninder Singh, Adv.

Ms. Pratibha M. Singh, Adv.

Mr. Sunil Fernandes, Adv.

Mr. Saurabh Mishra, Adv.

Applicant

In-Person

For Respondent(s)

For UOI

Mr. G.E. Vahanvati, SG
Mr. Devadatt Kamat, Adv.
Mr. P. Parmeswaran, Adv.

Mr. Rohan Thawani, Adv.
Mr. Joseph Pookkatt, Adv.
Mr. Janak Shah, Adv.
Mr. A.P. Medh, Adv.
Mr. Prashant Kumar, Adv.

For State of Gujarat

Ms. Hemantika Wahi, Adv.
Mr. Reetwik Panda, Adv.

For State of Nagaland

Mr. U. Hazarika, Adv.
Mr. Satya Mitra, Adv.
Ms. Sumita Hazarika, Adv.

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For Bar Council of
India

Mr. Sanjeev Sachdeva, Adv.
Mr. Priya Puri, Adv.

Mr. S.U.K. Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Pooja Nanekar, Adv.
Ms. Susan Zachariah, Adv.
Mr. A. Venayagam, Adv.
Mr. Hemal K. Sheth, Adv.
for M/s. Lawyer's Knit & Co., Adv.

Mr. Sanjay Jain, Adv.
Ms. Meenakshi Arora, Adv.

Mr. S.C. Patel, Adv.
Mr. Ajit Kumar Sinha, Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A...../2004 (Application for impleading party):

Mr. Anand Singh, applicant-in-person, is defective according to the office report, we find that the application makes no head and tail. The application in the present writ petition is not maintainable. It is, accordingly, dismissed.

W.P.(C)No.46/2004 :

Pursuant to the order dated 20th July, 2004, the affidavit, report and other material placed on record has been examined by this Court. In regard to status of Special Civil Application No.13258/94 pending in the High Court, learned Solicitor General has brought to our notice that the said matter has been disposed of and the judgment of the High Court is reported in (2005) 1 Gujarat Law Reporter at page 743 (Volume 46). It has

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further been pointed out that against the decision of the High Court two special leave petitions have been filed in this Court, one by the complainant and the other by the State Government. Learned Solicitor General states that appropriate application may have to be filed seeking direction for hearing the said

special leave petitions along with this matter.

Regarding the disciplinary proceedings pending against the concerned judicial officer, it has been pointed out by the learned counsel appearing for the State of Gujarat that a new enquiry officer is required to be appointed as the officer who was conducting the enquiry has been elevated as a judge of the High Court. We direct that new enquiry officer shall be appointed without any further delay and the enquiry proceedings should be completed expeditiously, preferably within a period of three months.

In regard to Case No. RC-2(S)/2004/SCR-III/CBI/N Delhi (CJI Bailable Warrants Case), the present status has been placed before us by the learned Solicitor General further submitting that the application has been filed for sending that case to the Special Judge (CBI Cases).

Mr. Sanjeev Sachdeva, learned counsel appears for the Bar Council of India, the Bar Council of India having been noticed in terms of the order made on 20th August, 2004.

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We hope that all parties including the Bar Council of India, State Government, the petitioner would render requisite assistance so that appropriate directions may be issued to check misuse of criminal process that has come to the notice of this Court. All the parties shall file their brief synopsis with suggestions within a period of eight weeks. The same will be exchanged by all

concerned.

List the matter for further directions after eight weeks.

Sarita

(V.P. Tyagi)

Court Master