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SLP(Crl.)No. 868-870 OF 2004

ITEM No.11  
ION IIA

Court No. 8

SECT

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

Petition(s) for Special Leave to Appeal (Crl.) No. 868-870/2004

(Directed against the final judgement and order dated 04/02/2004 passed by the High Court of Judicature at Madras in WP Nos. 1238/04, 1239/2004 and 1240/04)

GOVT. OF TAMILNADU

Petitioner (s)

VERSUS

UNION OF INDIA AND ORS.

Respondent (s)

(With appln.(s) for permission to place addl. Documents on record and ex-parte stay and exemption from filing O.T. And exemption from filing C/C of the Impugned Judgment)

Date : 8/03/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)  
MR. C.S. VAIDYANATHAN, Sr.Adv.  
Mr. Mani Shankar, Adv.

Mr. Subramonium Prasad., Adv.

For Respondent (s)  
Mr. F.S.Nariman, Sr. Adv.  
Mr. V. Ramasubramanian, Adv.  
Mr. V. Krishnamurthy, Adv.

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

Heard parties.

The Special Leave Petitions are filed against the Judgment of the High Court challenging the amendments to the Prevention of Terrorism Act, 2002 which gives to the Review Committee powers which earlier it did not have. By the amendment, the decision of the Review Committee is made binding on the Central Government, State Governments and the Police Officers investigating the offence. The High Court has held, in our view correctly, that these amendments are based on the recommendations made by a Constitution Bench of this Court in Kartar Singh Versus State of Punjab reported in (1994) 3 SCC 569 and the judgment of this Court in R.M. Tewari, Advocate Versus State (NCT of Delhi) & Ors. reported in (1996) 2 SCC 610. These are the provisions which provide safeguards against misuse of the stringent provisions of such an Act. In our view, the High Court has correctly held that the challenge cannot be sustained. The High Court has also correctly held that the directions given by the Review Committee could only be subject to Section 321 of the Criminal Procedure Code. We, therefore, see no reason to interfere. The Special Leave Petitions are, accordingly, dismissed.

(SUKHBIR PAUL KAUR)

COURT MASTER

(PROMILA NAGPAL )

COURT MASTER

