

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

Petition(s) for Special Leave to Appeal (Crl) No(s).1491/2006

(From the judgement and order dated 14/12/2005 in CRLA No.
980/2005 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

NANBHAI PYARMOHMMAD SHEIKH & ANR. Petitioner(s)

VERSUS

STATE OF GUJARAT & ANR. Respondent(s)

(With appln(s) for c/delay in filing SLP,exemption from filing
O.T.,stay and office report)
(FOR FINAL DISPOSAL)

Date: 10/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Prashant Bhushan,Adv.
Mr. P. Ramesh Kumar,Adv.
Mr. Rohit Kumar,Adv.
Ms. Aparna Bhat,Adv.

For Respondent(s) Mr. Ranjit Kumar,Sr.Adv.
Mr. V. Madhukar,Adv.
Ms. Jesal,Adv.
Ms. Hemantika Wahi,Adv.

Mr. Praveen H. Parekh,Sr.Adv.
Mr. Siddharth Luthra,Sr.Adv.
Mr. Lalit Chauhan,Adv.
Mr. Somanadri Goud,Adv.
Mr. U. Prasad,Adv.
M/S. Parekh & Co. ,Adv

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

Delay condoned.

Leave granted.

The Appeal is disposed of, in terms of the signed order.

(V.K. Tiwari)
P.A.

(Shashi Bala Vij)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
[CRIMINAL APPELLATE JURISDICTION]

CRIMINAL APPEAL NO. 1757 OF 2010
(Arising out of SLP(Crl.) No. 1491 of 2006]

NANBHAI PYARMOHAMMAD SHEIKH & ANR.

Appellant(s)/
Petitioner(s)

VERSUS

STATE OF GUJARAT & ANR.

Respondent(s)

O R D E R

Heard parties.

Leave granted.

It is an admitted position that before passing the impugned order, the petitioner No. 1 herein was not heard.

In our opinion, it was not proper for the High Court to proceed in the absence of the above-said petitioner whose vital interest was involved.

In this view of the matter, we set aside the order of the High Court and direct the High Court to give hearing to him and decide the case afresh as far as possible within six weeks from today. This shall not be viewed as an expression on merits of this petition.

With the above direction and observation, the Criminal Appeal is disposed of.

.....J
(V.S. SIRPURKAR)

(CYRIAC JOSEPH)

.....J

New Delhi;
September 10, 2010.