

(
SLP(Crl.)No. 3520-3521 OF 2002
ITEM No.4

Court No. 5

SECTION IIA

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. 3520-3521/2002

(From the judgement and order dated 26/06/2002 in CRLA 587/02
and CRLA 656/02 of The HIGH COURT OF BOMBAY)

BHARAT SHANTILAL SHAH

Petitioner (s)

VERSUS

STATE OF MAHARASHTRA

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned
Judgment and Ex-parte stay and Office Report)

WITH

SLP(Crl.)No.3526/2002

(With appln. for exemption from filing O.T.)

Date : 23/08/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s) Mr. Kapil Sibal, Sr. Adv.
(in SLP(Crl.) Mr. S. Shivde, Adv.
Nos.3520-3521/02) Mr. U.A. Rana, Adv.
Msr. Arvind Kumar, Adv.
for M/s Gagrat & Co.,Adv.

(in SLP(Crl.) Mr. U.R. Lalit, Adv.
No.3526/02) Mr. S. Prasad, Adv.
Mr. Abhay Kumar, Adv.
Mr. Dheeraj U. Mirazkar, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.....R
.SP2

By the impugned order the High Court has issued the
following directions:

-2-

.....L.....T.....T.....T.....T.....T.....T.....T.....J.....R

"It was further a submission that there were some charges levelled particularly against accused No.2, which are not supported by the material on record. In this regard, the learned Special Public Prosecutor fairly submitted that the charges, in that case could be altered or modified or could be amended by the trial court, in case it is pointed out that such alteration or modification or amendment is absolutely necessary. Therefore, it is not necessary here, at this stage, to deal with these aspects. For these purposes applications can be made to the trial court and if the trial court is satisfied then the same can be done."

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.....R

Learned counsel for the petitioner states that despite the above directions issued by the High Court and concessions made by the Special Public Prosecutor, the trial court has rejected the application for modification. He seeks time for production of the said order of the trial court.

List the matter on 2nd September, 2002.

.SP1

(A.S. Bisht)
Court Master

(Janki Bhatia)
Court Master