

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CRIMINAL APPEAL NO(s). 1267 OF 2007

STATE OF U.T. CHANDIGARH & ANR.

Appellant (s)

VERSUS

PUSHPA RANI GUPTA & ORS.

Respondent(s)

(With appln(s) for stay)

Date: 05/02/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE J. CHELAMESWAR  
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Appellant(s) Mr. M.S. Doabia, Adv. for  
Mr. Sudarshan Singh Rawat, Adv.

For Respondent(s) Mr. Anoop Kumar Shrivastava, Adv. for  
Mr. Rameshwar Prasad Goyal, Adv.

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

On September 17, 2007, this Court noticed that there were conflicting views of this Court in Prakash Singh Badal and another vs. State of Punjab and others<sup>1</sup> and Aleque Padamsee & others vs. Union of India and others<sup>2</sup> and, accordingly, it was observed that the matter required hearing by a larger Bench.

2. Leave was granted on that day and the matter was referred to a larger Bench.

3. On December 7, 2010, this matter appeared before a three Judge Bench and it was brought to the notice of the Court that similar matters have been referred to a larger Bench in the case of Lalita Kumari vs. Government of Uttar Pradesh<sup>3</sup>. The Court observed that it would be proper that all those matters be put up along with this case.

4. Our attention has been invited to an order passed by this Court in the case of Lalita Kumari vs. State of Uttar Pradesh and others<sup>4</sup> by a three Judge Bench of this Court referring that matter along with other matters to a Constitution Bench of at least five Judges of this Court for an authoritative judgment. Inter-alia, the order reads as under:

"The issue which has arisen for consideration in these cases is of great public importance. In view of the divergent opinions in a large number of cases decided by this Court, it has become extremely important to have a clear enunciation of law and adjudication by a larger Bench of this Court for the benefit of all concerned -the courts, the investigating agencies and the citizens.

Consequently, we request the Hon'ble the Chief Justice of India to refer these matters to a Constitution Bench of at

least five Judges of this Court for an authoritative judgment."

5. In view of the above, list this matter along with Lalita Kumari<sup>4</sup> before a Bench of five Judges as already observed in Lalita Kumari<sup>4</sup>.

|(Pardeep Kumar)  
|Court Master

|(Renu Diwan)  
|Court Master

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- 1 . (2007)1 SCC 1
- 2 . (2007)6 SCC 171
- 3 . (2008) 14 SCC 337
- 4 . (2012) 4 SCC 1