

ITEM NO.14

COURT NO.7

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(s).936/2007

(From the judgement and order dated 09/02/2007 in SCRL No. 1758/2006 of The  
HIGH COURT OF GUJARAT AT AHMEDABAD)

ABDULMIYA HUSAINMIYA KURESHI &amp; ANR.

Petitioner(s)

VERSUS

STATE OF GUJARAT &amp; ANR.

Respondent(s)

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

Date: 26/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr.Huzefa Ahmadi, Adv.

Mr.Ejaz Maqbool, Adv.

Mr.T.V.George, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

We have Mr.Huzefa Ahmadi, learned counsel appearing on behalf of the

petitioners.

We have perused the order impugned in this Special Leave Petition. In

para 3 of the impugned order, it is observed that the trial in the matter is

already over and, therefore, no useful purpose would be served by proceeding

with the petition to transfer Sessions Case No.287 of 2004 from the Sessions

Court, Nadiad to any other court. According to the learned counsel, the said

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observation made in para 3 of the impugned order is not correct. It is stated at

page 'G' of the synopsis that the matter came up for hearing before the High

Court on 07.02.2007 and, however, the counsel for the petitioner had moved a

sick note for two weeks on account of bad health and that the High Court

adjourned the matter to 09.02.2007 and took up the matter on merits. The

petitioner remained unrepresented being in Balol village. The High Court was

informed that the trial was over and, therefore, the High Court dismissed the

matter as being infructuous. When, in fact, SC No.287/04 was listed fo

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prosecution evidence and SC No.74/06 was listed for defence witness. In view

of the above statement made, we order notice to the respondents returnable by

six weeks.

In the meanwhile, the trial of SC No.287/04 and SC No.74/06 shall

stand stayed.

( Satish K. Yadav )

Court Master

( Phoolan Wati Arora )

Court Master