

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). 417 OF 2007

PUTUL NATH & ANR.

Appellant (s)

VERSUS

STATE OF ASSAM

Respondent(s)

(With appln(s) for permission to file additional documents

Date: 22/02/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s) Mr. Manish Goswami, Adv. For
M/S Map & Co.,Adv.

For Respondent(s) Mr. Avijit Roy, Adv. For
M/S Corporate Law Group,Adv.

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

The appeal is allowed in terms of the signed
order.

(Deepak Joshi) (Indu Satija)
Sr. P.A. Court Master
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 417 OF 2007

PUTUL NATH AND ANOTHER

.....Appellant (s)

Versus

STATE OF ASSAM

.....Respondent (s)

O R D E R

This appeal has been filed against the impugned judgment dated 12.12.2006 passed by the Learned Designated Court, Assam, Gauhati in TADA Sessions CaSe No. 141 of 2000.

The facts of the case have been set out in the judgment and hence we are not repeating the same here.

It appears that one Pratap Deka was kidnapped on 06.11.1992 by some unidentified persons and the appellant has been charged and convicted on that account under Section 3 (5) of TADA. Section 3 (5) was added to the TADA by an amendment dated 23.05.1993. Hence in view of decision of this Court in Tarun Bora @ Alok Hazarika vs. State of Assam (2002) 7 SCC 39 the impugned judgment cannot be sustained and it is hereby set aside.

The appeal is allowed.

.....J.
[MARKANDEY KATJU]

.....J.
[GYAN SHDHA MISRA]

NEW DELHI;
FEBRUARY 22, 2011