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SLP(Crl.)No. 1229 OF 2001

ITEM No.35-36

Court No. 4

SECTION IIA
A/N MATTER

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. 1229/2001

(From the judgement and order dated 05/03/2001 in Order under Exhibit No.666 & 665 in STADA 59/95 of The Designated Court of Surat at Surat)

HUSSAIN GHARIYALI MOHD. HUSAIN & ORS. Petitioner (s)

VERSUS

STATE OF GUJARAT Respondent (s)

With SLP(Crl) No. 1230/2001

Date : 27/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s) Mr. U.R.Lalit,Sr.Adv.
Mr. Subodh Lalit,Adv.
Mr. K.L. Taneja,Adv.

For Respondent (s) Ms. H. Wahi,Adv.

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

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

Leave granted.

The appellants are released on bail to the satisfaction of the learned Designated Judge, Surat, subject to the condition as the Designated Judge thinks proper.

The appeals are disposed of.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@
AA
COURT MASTER COURT MASTER

Signed order is placed on the file.

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.PL56

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.566-567/2001@@

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(arising out of SLP(Crl) Nos.1229-1230/2001)

Hussain Ghariyali Mohd Hussain & Ors. ...Appellants

Vs.

State of Gujarat ...Respondent

O R D E R@@

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

Leave granted.

Heard Mr. U.R. Lalit, the learned senior counsel appearing for the accused persons and Ms. H. Wahi, the learned counsel for the State of Gujarat.

These two applications are being filed by the accused persons, who are facing trial before the Designated Judge, TADA. Mr. U.R. Lalit, the learned senior counsel appearing for the accused persons contends that when the matter was listed earlier on 11th August, 2000, the Court itself on consideration of the submission made by the parties had reached a conclusion that the trial should be finished within 2 or 3 weeks, therefore did not grant the bail. But notwithstanding several months have elapsed in the meantime, there has not been much progress in the matter, and therefore the appellants should be released on bail. We find sufficient force in the aforesaid contention. We therefore allow these appeals and direct that the appellants be released on bail to the satisfaction of the learned Designated Judge, Surat, subject to the condition as the Designated Judge thinks

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proper.

The appeals are disposed of.

.SP1
.....J.
(G.B. PATTANAIAK)

New Delhi,
April 27, 2001
.....J.
(U.C. BANERJEE)