

SLP(Crl.)No. 1783 OF 2003
ITEM No.1

Court No. 3

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. 1783/2003

(From the judgement and order dated 07/02/2003 in MA 499/02
in Special Case No.4/1995 in RC 11(S)/92-SCB/BOM of The HIGH COURT OF BOMBAY)

BHUPAN CHAMPAKLAL DALAL

Petitioner (s)

VERSUS

C.B.I.

Respondent (s)

(With appln. for directions and Office Report)

Date : 04/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)
Dr.Rajeev Dhawan,Sr.Adv.,

Mr. Vimal Chandra S. Dave,Adv.,
Mr.Manoj Shukla,Mr.S.N .Singh,
Ms.Neelam Kalsi,Advs.

For Respondent (s)
Mr.A. Subba Rao,Adv.

Mr. P. Parmeswaran,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the parties exhaustively.

Learned counsel for the petitioner has pointed out that on the basis of the further investigation , report was submitted by the CBI and considering the said report original accused No.5 & 12 were discharged by the Court by order dated 18.11.1999. He further submits that if that report is perused by the Court, same would be the position with regard to the petitioner. He therefore, submits that he is entitled to get a copy of the said report.

As against this, learned counsel appearing for the CBI makes it abundantly clear that CBI is not relying upon the 1998 report or the statements referred to in the said report for the purpose of connecting the present petitioner with the crime in this case. He therefore submits that impugned order passed by the Special Court does not call for any interference.

Considering the submissions made by the parties particularly the order discharging the accused No.5 & 12, at the time of the hearing of the application filed by the petitioner for discharging him, the Court would take into consideration the said report and would permit the counsel for the petitioner to inspect the same for making further submission that he is also entitled to be discharged.

With these observations, this petition is disposed of.

The Special Court is directed to proceed further with the case at the earliest.

(Vijay Kumar Sharma)(Janki Bhatia)

AR cum PS to Hon.Judge Court Master