

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL D.NO. 1525 OF 2012
(FOR PREL.HEARING)

ABU SALEM ABDUL QAYYUM ANSARI

Appellant (s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION Respondent(s)
(With appln(s) for condonation of delay in filing crl. appeal. and
office report)

Date: 17/02/2012 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Sudeep Pasbola, Adv.
Mr. Sushil Karanjkar, Adv.
Mr. K.N. Rai,Adv.

For Respondent(s)

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

Delay condoned.

Considering the fact that the Court of Appeals
Lisban after finding that the proceedings initiated
against the present appellant by the Designated Court
in India violates the Principles of Speciality and
extradition, ultimately the Court of Appeals
terminated the order of extradition. Against the
said decision the Government of India filed an appeal
to Supreme Court of Justice Portuguese. Now the
learned counsel appearing for the appellant has
brought to our notice by the order dated 11th

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January, 2012 that the Supreme Court of Justice
Portuguese confirmed the decision of the Court of
Appeals and dismissed the appeal filed by the
Government of India. In view of the same, the
counsel contended that trial in the Designated Court,
Bombay cannot be proceeded with.

We feel that the effect of the orders passed
by the Court of Appeals Lisban as well as the Supreme
Court of Justice Portuguese have to be considered.

Hence, we admit the above appeal. Issue
notice to the respondents returnable by four weeks.

Since the appellant has not impleaded the Union of

India, considering the important issue to be decided,
we implead the Union of India represented by the
Ministry of External Affairs as one of the
respondents.

Issue notice to the learned Attorney General
for India to assist the Court.

There shall be stay of trial insofar as the
present appellant is concerned in respect of TADA
Special Case No.1-B of 1993 and TADA Special Case
No.1 of 2006 on the file of Designated Court for
TADA, Greater Bombay at Mumbai

[Usha Bhardwaj]
Court Master

[Savita Sainani]
Court Master