

¢.

PART-HEARD
ITEM NO.301

COURT NO.1

SECTION X/II/IIA

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

WRIT PETITION (CRL.) NO.137 OF 2011

SUBHASH POPATLAL DAVE

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(With appln(s) for stay, modification of Court's Order and office report)

With Writ Petition (Crl.) No.11 of 2012
(With appln.(s) for ex-parte stay and office report)

Writ Petition (Crl.) No.138 of 2011
(With appln.(s) for stay, directions and office report)

Writ Petition (Crl.) No.14 of 2012
(With appln.(s) for ex-parte stay and office report)

Writ Petition (Crl.) No.142 of 2011
(With appln.(s) for directions, stay of execution proceedings,
permission to file rejoinder affidavit, stay and office report)

S.L.P. (Crl.) No.1909 of 2011
(With appln.(s) for stay and office report)

S.L.P. (Crl.) No.1938 of 2011
(With appln.(s) for stay and office report)

Writ Petition (Crl.) Nos.2091-2092 of 2012
(With appln.(s) for stay, permission to file additional
documents and office report)

Writ Petition (Crl.) No.220 of 2011
(With appln.(s) for stay, permission to file rejoinder
affidavit, directions and office report)

S.L.P. (Crl.) No.2442 of 2012
(With appln.(s) for c/delay in filing SLP, exemption from
filing c/c of the impugned order and office report)

Writ Petition (Crl.) No.249 of 2011
(With appln.(s) for directions, ex-parte stay and office
report)

...2/-

- 2 -

Writ Petition (Crl.) No.35 of 2011
(With appln.(s) for directions, permission, intervention,
impleadment as party respondent, impleadment as petitioner
and office report)

Date: 30/10/2012 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Ravindra Keshavrao Adsure, Adv.

In WP 137/11,138/11,
SLP 1909/2011 &
1938/2011:

In WP 11 & 14/2012: Mr. Mukul Rohatgi, Sr. Adv. (N/P)
Ms. Indu Malhotra, Sr. Adv.
Dr. G.K. Sarkar, Adv.
Ms. Malabika Sarkar, Adv.
Mr. Saurabh Kirpal, Adv.
Mr. Sanjay Agarwal, Adv.
Mr. Kaan Bharioke, Adv.
Mr. D. Mahesh Babu, Adv.

In WP 35/2011 &
SLP 2442/2012: Mr. Mukul Rohatgi, Sr. Adv. (N/P)
Mr. Sujay N. Kantawala, Adv.
Mr. Saurabh Kirpal, Adv.
Mr. Sanjay Agarwal, Adv.
Mr. Karan Bharioke, Adv.
Mr. Rakesh Dahiya, Adv.

In WP 142/2011,
220/11 & 249/2011: Mr. Vikram Chaudhri, Adv.
Mr. Sangram S. Saror, Adv.
Mr. Raj Kumar, Adv.
Mr. Gagandeep Sharma, Adv.
Mr. Nikhil Jain, Adv.

In SLP 2091-92/12: Mr. Mukul Rohatgi, Sr. Adv. (N/P)
Mr. Sujay N. Kantawala, Adv.
Mr. Saurabh Kirpal, Adv.
Mr. Sanjay Agarwal, Adv.
Mr. Karan Bharioke, Adv.
Mr. Nikhil Jain, Adv.

...3/-

- 3 -

For Respondent(s) Mr. P.P. Malhotra, ASG.
Ms. Ranjana Narayan, Adv.
Mr. Chetan Chawla, Adv.
Ms. Asha G. Nair, Adv.
Mr. B. Krishna Prasad, Adv.
Mr. Arvind Kumar Sharma, Adv.

Mr. B.H. Marlapalle, Sr. Adv.
Ms. Asha Gopalan Nair, Adv.
Ms. Anita Bafna, Adv.

Mr. Gopal Balwant Sathe, Adv.

Dr. Kailash Chand, Adv.

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

Mr. Vikram Chaudhri, learned counsel for the writ petitioners in Writ Petition (Crl.) Nos.142/2011, 220/2011 and 249/2011, made his submissions from 3.00 p.m. till 3.40 p.m. Thereafter, Mr. P.P. Malhotra, learned Additional Solicitor General appearing for Union of India, made his submissions in Writ Petition (Crl.) No.137 of 2011 and was on his legs when the Court rose for the day.

The matter remained part-heard.

Let this matter be listed tomorrow, i.e., 31st October, 2012, at 3.00 p.m. for further consideration.

Writ Petition (Crl.) No.11 of 2012:

At the time of replying, Mr. P.P. Malhotra, learned Additional Solicitor General appearing for the Union of India, pointed out that Writ Petition

...4/-

(Crl.) No.11 of 2012, is not a matter involving any question of detention, but the question involved is of bailability of an offence under the Customs Act, which has already been decided by this Court in Om Prakash & Anr. vs. Union of India & Anr. [2011 (11) SCALE 310]. Accordingly, let the said writ petition be detached and let it also stand disposed of with a direction to the petitioner to approach the High Court.

[T.I. Rajput]
A.R.-cum-P.S.

[Juginder Kaur]
Assistant Registrar