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SLP(C)No. 7697-7698 OF 2003

ITEM NO.1C
(For Judgment)

COURT NO.2

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).7697-7698/2003

(From the judgement and order dated 10/01/2003 in LPA No. 36/1999 & LPA No. 48/1999 of HIGH COURT OF M.P AT JABALPUR)

M.P. SPL. POLICE ESTABLISHMENT

Petitioner(s)

VERSUS

STATE OF M.P. & ORS.

Respondent(s)

(HEARD BY : HON'BLE N. SANTOSH HEGDE, S.N. VARIAVA, B.P. SINGH, H.K.SEMA
AND S.B. SINHA, JJ)

Date: 05/11/2004 These Petitions were called on for pronouncement of
judgment today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE B.P. SINGH
HON'BLE MR. JUSTICE H.K. SEMA
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner(s)Mr. P.H. Parekh, Adv.
Mr. Sameer Parekh, Adv.

forM/s. P.H. Parekh & Co.

For Respondent(s) Mr. Satish K. Agnihotri,Adv.

Mr. Ashok Kumar Gupta ,Adv

THE COURT MADE THE FOLLOWING JUDGMENT

J U D G M E N T

Hon'ble Mr. Justice S.N. Variava pronounced the judgment of the Court
Leave granted.

The appeals are allowed in terms of the signed judgment. The decisions of the Single Judge and Division Bench cannot be upheld and are accordingly set aside. The writ petitions filed by the two Ministers will stand dismissed. For the reasons mentioned in the judgment it is directed that the Order of the Governor sanctioning prosecution should be given effect to and that of the Council of Ministers refusing to do so may be set aside. The Court shall now proceed with the prosecution. As the case is very old, we request the Court to dispose of the case as expeditiously as possible.

(PAWAN KUMAR) (PREM PRAKASH)
COURT MASTER COURT MASTER

(signed reportable judgment is placed on the file)