

ITEM NO.111

COURT NO.10

SECTION II

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

Criminal Appeal No(s). 1269/2013

MOHAD NAUSHAD

Appellant(s)

VERSUS

STATE OF (GOVT. NCT, DELHI)

Respondent(s)

(with appln. (s) for bail and office report)

WITH

Crl.A. No. 1270-1271/2013

(With appln.(s) for bail and Office Report)

SLP(Crl) No. 6447-6451/2013

Office Report)

Date : 14/07/2016

These appeals and petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s)

Mr. Sidhartha Dave, Adv.

Mr. Farrukh Rasheed, AOR

Ms. Jamtiben, Adv.

Ms. Kamini Jaiswal, AOR

Mr. Rajesh Kumar Singh, Adv.

Mr. P.K. Dey, Adv.

Mr. Madhavi Divan, Adv.

Mr. Surjit Patnayak, Adv.

Mr. S.S. Rawat, Adv.

Mr. D. S. Mahra, AOR

For Respondent(s)

Mr. P.K. Dey, Adv.

Signature Not Verified

Mr. Madhavi Divan, Adv.

Digitally signed by

Mr. Surjit Patnayak, Adv.

R.NATARAJAN

Date: 2016.07.18

16:47:44 IST

Mr. S.S. Rawat, Adv.

Reason:

Mr. D. S. Mahra, Adv.

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UPON hearing the counsel the Court made the following

O R D E R

Ms. Kamini Jaiswal, learned counsel appearing for the appellant drew our attention to the order dated 09.07.2013 passed by this Court in Criminal Appeal Nos. 410-411 of 2012 which reads as under:

"Since the appellant has been sentenced to death by the order impugned before us, we deem it just and proper that these appeals be listed for hearing before a Bench

comprising of three Hon'ble Judges.  
Registry to do the needful."

She submits that in view of the above, Criminal Appeal No. 1269 of 2013 preferred against the conviction of the appellant(s) and the sentence of imprisonment for life along with the accompanying Special Leave Petitions Nos. 6447-6451 of 2013 preferred by the State for restoration of the capital sentence awarded by the trial Court ought to be laid before a Bench comprising of three Hon'ble Judges.

As the High Court, in the present case, has commuted the death sentence awarded by the trial Court to one of life imprisonment, the Registry is required to ascertain and apprise this Court as to whether there is any instance as herein, or a decision of this Court on a situation of this kind where even if any party aggrieved by the commutation of a capital sentence to one of life imprisonment, seeks restoration of the death sentence, the matter ought to be heard by a Bench comprising of three Hon'ble Judges and not by a Division Bench of two Hon'ble Judges.

List after two weeks.

(R.NATARAJAN)  
Court Master

(H.S. NEGI)  
Court Master