

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1401 OF 2013

(Arising out of Special Leave Petition(Crl.)No. 4136 of 2013)

Arun Dwivedi ...Appellant(s)
VERSUS
Central Bureau of Investigation ... Respondent(s)

OFFICE REPORT FOR DIRECTIONS

It is submitted for kind information of the Hon'ble Court that the matter above-mentioned alongwith other twenty five connected matters were listed before the Hon'ble Court on 9th September, 2013 when the Court was pleased to pass the following Order:-

"Leave granted.

Learned counsel for the parties are agreed that there is considerable difference of opinion amongst different Benches of this Court as well as all the High Courts. Mr. Ram Jethmalani, learned Senior Counsel appearing for petitioner in Criminal Appeal arising out of Special Leave Petition (Criminal) No.6470 of 2012 submits that the subsequent decisions rendered by the two-judge Benches are *per incuriam*, and in conflict with the ratio of law laid down in the Constitution Bench decision in Mohanlal Maganlal Thacker v. State of Gujarat [(1968) 2 SCR 685].

In this view of the matter, we are of the opinion that it would be appropriate if the matters are referred to and heard by a larger Bench. Office is directed to place the matters before the Hon'ble the Chief Justice of India for appropriate orders.

In the meantime, further proceedings before the trial Court shall remain stayed".

It is further submitted that letter dated 20.11.2013 to High Court was issued by this Registry summoning original records of the High Court and Trial Court under Order XXI of Supreme

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Court Rules, 1966 in order to make the appeal ready. The High Court has sent a letter dated 17th January, 2014 in the appeal above-mentioned (arising out of High Court Writ Petition No. 1699 of 2011) alongwith connected appeals (copy enclosed requesting therein to intimate whether the original record of the High Court are required during the pendency of the cases.

The office Report for directions regarding requisition of the original records of High Court in the above matter is listed before the Hon'ble Court with this office report.

DATED this the 26th day of February, 2014.

ASSISTANT REGISTRAR

COPY TO:

Mr. Md. Shahid Anwar, Advocate

Mr. B.V. Balaram Das, Advocate

ASSISTANT REGISTRAR

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Encl: As above