

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(s). 36 OF 2008

SUBHASHSINGH SHOBHNATHSINGH THAKUR

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With office report )

Date: 06/04/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. F.S.Nariman, Sr. Adv.  
Mr. S.M.Jadhav, Adv.  
Mr. Sushil Karanjkar, adv.  
Mr. Nitin K.Gupta, Adv.  
Mr. K.N. Rai, Adv.

For Respondent(s) Mr. G.E.Vahanvati, A.G.  
Mr. Arun R.Pednekar, Adv.  
Mr. Sanjay Kharde, Adv.  
Ms. Asha Gopalan Nair, Adv.

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

The basic issue raised by Mr. F.S. Nariman,  
the learned senior counsel in this case is as to  
whether the direction of this Court in (2008) 13 SCC  
767 (Swamy Shraddanand Vs. State of Karnataka) that  
imprisonment for life would mean imprisonment till the  
rest of the life impinged on the legislative field as  
it ignored the provisions of Article 21 of the  
Constitution and Sections 53 to 55 of the Indian Penal  
Code and Section 433-A of the Cr.P.C.

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We have heard Mr. Nariman and the Attorney  
General and find that the matter may require  
reconsideration but as the judgment cited is of three  
Hon'ble Judges, we are of the opinion that this matter  
should, at the first instance, be heard by a Bench of  
three Hon'ble Judges.

We accordingly request Hon'ble the Chief Justice

to direct that this matter be put up before a Bench of  
three Hon'ble Judges after the summer vacation.

[SUMAN WADHWA]  
COURT MASTER

[VINOD KULVI]  
COURT MASTER