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SLP(Crl.)... 4265-4268 OF 2001

ITEM No.20

Court No. 1

SECTION II

A/N MATTER

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

Crl.M.P.Nos.4265-4268/2001 In &

Petition(s) for Special Leave to Appeal(Crl.)...../2001

(From the judgement and order dated 12/02/2001 in CRLR 199/97, Crl.R. 201/97, Crl.R.No.211/97 and Crl.R. 255/97 of the High Court of Judicature at Allahabad bench at Lucknow)

MD.ASLAM @ BHURE

Petitioner (s)

VERSUS

STATE OF U.P. & ORS.

Respondent (s)

With Crl.M.P.Nos.4265-4268/2001( For permission to file SLP and stay )

With Crl.M.P.Nos.4276-4279/2001 In & SLP(Crl.)...../2001 ( For permission to file SLP and stay),

SLP(Crl.)No.3510/2001-(With appln.(s) for exemption from filing c/c of the impugned judgment and office report)

SLP(C)No.456/2002-(With appln.(s) for permission to submit addl. documents)

Date : 29/11/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)  
in CRMP 4265-68

Mr. O.P. Sharma, Sr. Adv.  
Mr. M.M. Kashyap, Adv.

in CRMP 4276-79

Mr. Mushtaq Ahmad, Adv.  
Mr. Athar Alam, Adv.

in SLP(Crl.)3510

Mr. Atul M. Setalvad, Sr. Adv.  
Mr. R.C. Gubrele, Adv.  
Mr. K.R. Gupta, Ms. Nanita Sharma,  
Mr. Vivek Sharma, Mr. Abhishek Atrey, Adv.

in SLP(C)456

Mr. M.S. Ganesh, Sr. Adv.  
Mohd. Taiyab Khan, Adv.  
Mr. S.A. Syed, Adv.

For Respondent (s)

Mr. K.K. Venugopal, Sr. Adv.  
Mr. P.N. Mishra, Sr. Adv.  
Mr. Satish Misra, A.G., U.P.  
Mr. R.C. Verma, Adv.  
Mr. Mukesh Verma, Adv.

Mr. Soli J. Sorabjee, AG  
Mr. K.N. Raval, ASG  
Mr. P. Parmeswaran, Adv.  
Mr. A. Mariarputham, Mr. ADN Rao, Advs.

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

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Permission granted to file S.L.Ps.  
Heard the learned counsel for the parties.

The grievance of the petitioners in this bunch of cases is that there is no notification appointing a Special Judge to try the offences committed in Ayodhya (Faizabad) in Crime No. 198/1992 after the Allahabad High Court struck down the pending proceeding in the Special Court at Lalitpur on the ground that there had been no consultation with the High Court. The State of U.P. has filed an affidavit stating therein that there exists a Special Court at Rae-Bareli where the offences in relation to Crime No.198/92 can be tried. Mr. O.P. Sharma, appearing for the petitioners, however, submitted with vehemence that there does not exist any such Court at Rae-Barelli. This statement of Mr. Sharma is belied by the notification issued by the High Court of Judicature at Allahabad dated 28th September, 2002 which unequivocally indicates that the Presiding Officer of the Special Court of Judicial Magistrate at Rae-Bareli would try cases relating to offences committed in Ayodhya (Faizabad) in Crime No. 198/92. Mr. Sharma, however, contended that the Special Court should be at Lucknow and there is no reason the Special Court at Rae Bareli would be asked to try the offences in question. This is a

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matter which the Government in consultation with the High Court has constituted a special Court and the High Court in its discretion has constituted the Special Court at Rae Bareli for trying the cases in relation to Crime No.198/92. No person much less the petitioners in public interest can claim any Special Court at any particular place for trial of any criminal case.

In the aforesaid premises, we see no justification for any grievance of the petitioners and these petitions accordingly stand dismissed.

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(J.S. Rawat)	(Suneet Bala Sharma)	@@
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Court Master	Assistant Registrar	@@
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