

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 9<sup>th</sup> 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".

Accordingly, Notice of Lodgment of Petition of Appeal and letter for requisition the original record of High Court and

Trial Court was issued to Counsel for the Respondent and High Court respectively. The High Court has sent a letter dated 17<sup>th</sup> January, 2014 in the appeal above-mentioned (arising out of High Court Writ Petition No. 1699 of 2011) and connected Criminal Appeals i.e. Criminal Appeal Nos. 1403, 1404 and 1395 of 2013 arising out of High Court Writ Petition Nos. 768 of 2013, 771 of 2013 and 1776 of 2012 respectively are pending before the High Court and next date of listing is 30<sup>th</sup> January, 2014, 7<sup>th</sup> March, 2014 and 3<sup>rd</sup> March, 2014 and requested to intimate if the original record of the High Court are required during the pendency of the cases in the High Court of Delhi. (A photocopy of the letter is enclosed herewith for kind perusal of the Hon'ble Court).

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

DATED this the 4th 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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