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C.A.No. 4412 OF 1999

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ITEM No.118

COURT No. 1

SECTION IIIA

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

Civil Appeal No. 4412 of 1999@@
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M/s. Arya Abhushan Bhandar & Anr.

Appellants

VERSUS

Union of India & Ors.

Respondents

(With Office Report)

Date : 21/03/2002 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. Arvind Verma,Adv.
for M/s. K.L. Mehta & Co.,Advs.

For Respondent(s) Mr. T.L.V. Iyer,Sr.Adv.
Mr. B. Krishna Prasad,Adv.

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

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Heard learned counsel for the parties from 11.15 a.m.
to 11.30 a.m.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 4412 of 1999@@
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M/s. Arya Abhushan Bhandar & Anr. ...Appellant (s)

Versus~

Union of India & Ors.Respondent (s)

O R D E R@@
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An issue raised by the appellants was that the search was conducted both in their shop and in their house and that the search warrant was limited to the shop. The Panchas to the search were, therefore, material witnesses in this behalf. That they were not produced for cross-examination, though asked for, is not disputed. There has, therefore, in our view, clearly been a breach of natural justice. On this count alone, the order of the High Court must be set aside. We are unimpressed by the argument that no prejudice was caused to the appellants by reason of the non-production of the Panchas which, it would appear, was what the High Court seemed to think.

The civil appeal is allowed. The judgment and order under appeal is set aside.

No order as to costs.

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(N. Santosh Hegde)@@
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(Arijit Pasayat)@@
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New Delhi,
March 21, 2002.