

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12981/2008

(From the judgement and order dated 19/03/2008 in CMWP No.12660/08
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

NAHAR SINGH YADAV & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents on record)

With Writ Petition C) No.306 of 2008

(With appln.(s) for interim directions, exemption from filing O.T, amendment of
prayer portion and c/delay in filing appln. for
for amendment)

Date: 07/08/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s)
In SLP 12981/08:

Mr. Anil B. Divan, Sr. Adv.
Mr. M.N. Krishnamani, Sr. Adv.
Mr. Braj Kishore Mishra, Adv.
Mr. K.C. Kaushik, Adv.
Ms. Aparna Jha, Adv.
Mr. Abhishek Yadav, Adv.
Mr. Vikram, Adv.

In WP 306/2008:

Mr. Shanti Bhushan, Sr. Adv.
Mr. Prashant Bhushan, Adv.
Mr. Rohit Kumar Singh, Adv.
Mr. Sumeet Sharma, Adv.
Mr. Mayank Misra, Adv.

....2/-

- 2-

For Respondent(s)

Mr. Goolam E. Vahanvati, SG.
Mr. Chinmoy Pradip Sharma, Adv.
Mr. B.K. Prasad, Adv.

Mr. Jyotindra Mishra, AG
Mr. Shail Kumar Dwivedi, AAG
Mr. G.V. Rao, Adv.

UPON hearing counsel the Court made the following
ORDER

On 17th July, 2008, when the matter was placed
before Hon'ble the Chief Justice of India, it was directed to

list S.L.P. [C] No.12981 of 2008 on 1st August, 2008. So far as Writ Petition [C] No.306 of 2008 is concerned, which was tagged with the aforesaid case, permission was granted to file amended writ petition by 21st July, 2008. This Bench was constituted by Hon'ble the Chief Justice of India and the case was listed on 1st August, 2008, on which day the hearing of S.L.P. [C] No.12981 of 2008 commenced and Shri Anil B. Divan, learned senior counsel argued the matter. But it appears, by mistake, it was not mentioned in the proceeding that the case was heard in-part on that date and it was directed to put up the matters on 6th August, 2008, on which day Shri Anil B. Divan resumed his submissions at 10.40 a.m. and concluded at 3.00 p.m. Thereafter, Shri Shanti Bhushan, who is not only a responsible citizen but an eminent lawyer of this country, commenced his submission in Writ Petition [C] No.306 of 2008 and before he could conclude, the Court rose for the day and accordingly, the case has come up today and the hearing commenced at 10.35 a.m. During one and a half hour of his arguments, Shri Shanti Bhushan

-3-

categorically made submission that "the Supreme Court is giving protection to the corrupt judicial officers". We told him that the allegations are contemptuous and he should not have made such imputations. Ultimately, he withdrew the imputations. Thereafter, Shri Shanti Bhushan was going ahead with the argument, during the course of which, when a question was put to him, Shri Prashant Bhushan, who is his associate in this case, stood up and shouted at us that we are putting words in the mouth of Shri Shanti Bhushan.

We do not appreciate this attitude of Shri Prashant Bhushan, who is also a responsible member of Bar. In this view of the matter, we feel that it would not be conducive to go ahead with further hearing of the case and one of us, B.N. Agrawal, J. recuse himself from its hearing.

This case shall not be treated to be tied up.

Let the matters be placed before Hon'ble the Chief Justice of India for the needful.

[Alka Dudeja]
Court Master

[Om Prakash]
Assistant Registrar