

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 37 OF 1992

ABHIRAM SINGH

... APPELLANT(s)

Versus

C.D. COMMACHEN (D) BY LRS. & OTHERS

... RESPONDENT(s)

O R D E R

In this appeal referred to the Constitution Bench, one of the questions that requires consideration is with regard to the interpretation of sub-section (3) of Section 123 of the Representation of the People Act, 1951 (for short "the 1951 Act").

2. In the course of arguments, our attention has been invited to the order of this Court dated August 20, 2002 in Narayan Singh vs. Sunderlal Patwal. By this order, a Constitution Bench of five Judges has referred the question regarding the scope of corrupt practice mentioned in sub-section (3) of Section 123 of the 1951 Act to a larger Bench of seven Judges.

This became necessary in view of the earlier decision of a Constitution Bench of this Court in Kultar Singh vs. Mukhtiar Singh².

3. Incidentally, we may notice that Narayan Singh¹ appeal was tagged with the present appeal and when that appeal (Narayan Singh¹) came up for hearing, the Court noted that Abhiram Singh vs. C.D. Commachen & others (present appeal) had already been disposed of as being infructuous. Obviously, the Court was not correctly informed as the present appeal had not become infructuous and was pending.

4. Be that as it may, since one of the questions involved in the present appeal is already referred to a larger Bench of seven Judges, we think it appropriate to refer this appeal to a limited extent regarding interpretation of sub-section (3) of Section 123 of the 1951 Act to a larger Bench of seven Judges.

5. The Registry will place the matter before Hon'ble the Chief Justice for constitution of a Bench

of seven Judges. The matter may be listed subject to the order of Hon'ble the Chief Justice.

.....J.
(R.M. LODHA)

.....J.

(A.K. PATNAIK)

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

.....J.
(DIPAK MISRA)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

NEW DELHI;
JANUARY 30, 2014.

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(s). 37 OF 1992

ABHIRAM SINGH Appellant (s)

VERSUS

C.D. COMMACHEN (DEAD) BY LRS.& ORS. Respondent(s)

(With appln(s) for impleadment and office report)

Date: 30/01/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Appellant(s) Mr. Ranjit Kumar, Sr. Adv.
Ms. Bina Gupta, Adv.
Mr. Abhay A. Jena, Adv.
Mr. Ranjit Raut, Adv.

For Respondent(s) Dr. Rajiv Dhawan, Sr. Adv.
Ms. Priyanka Rai, Adv.
Mr. Chirag M. Shroff, Adv.

IA for impleadment Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Ejaz Maqbool, Adv.
Mr. M. Prabhakar, Adv.
Ms. Tanima Kishore, Adv.
Mr. Faraz Maqbool, Adv.

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

Registry is directed to place the matter before Hon'ble the Chief Justice for constitution of a Bench of seven Judges in terms of signed order. The matter may be listed subject to the order of Hon'ble the Chief Justice.

| (Pardeep Kumar) | | (Renu Diwan) |
| AR-cum-PS | | Court Master |

[SIGNED ORDER IS PLACED ON THE FILE]

1 (2003) 9 SCC 300
2 AIR 1965 SC 141