

ITEM NO.MM-A

COURT NO.9

SECTION X

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

RECORD OF PROCEEDINGS

CRLMP NO.7101/2006 IN WRIT PETITION (CRL.) NO(s). 142 OF 2006

PASCHAL ANTHONY D'SOUZA
Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.
Respondent(s)

Res

Date: 19/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr.Nikhil Jain, Adv.

Mr. D. Mahesh Babu, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the petitioner.

On 19.06.2006, this Court passed the following order :-

The High Court after "Heard learned Senior Counsel for the petitioner.
admitting the writ petition adjourned the bail application to 14.7.2006 along with
the main writ petition. It is also stated by the learned

ned Senior Counsel that an

application for settlement filed before the Settlement Commission is listed for

hearing on 28.6.2006. Since some urgency is expressed and in view of the fixation

of date of settlement proceedings before the Settlement Commissioner, we request

the High Court to take the writ petition and the bail application either on

14.7.2006 positively or a week earlier subject to the convenience of learned Judges

of the High Court.

In the meanwhile, the petitioner is at liberty to move the Settlement

Commissioner for adjournment.

The Writ Petition is disposed of accordingly."

It is stated that in accordance with the aforesaid Order dt.19.06.2006, an application for

adjournment was made on 26.06.2006. However, no adjournment was granted. A further request for

adjournment was made on 28.06.2006 during the course of hearing. It was requested that the admission

hearing may be adjourned for any further date so that the detenu can also assist in the settlement

proceedings. It was also submitted that the Show Cause Notices have been issued subsequent to his

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detention, and that it would be in the interest of justice and fairplay if he was allowed to go through the

Show Cause Notice and to instruct the counsel to make suitable submissions. As the request for

adjournment was not granted, a further submission was made vide the said letter dt.28.06.2006 stating

the reasons for adjournment. It is stated that in spite of request being made, the Settlement Commission

granted only a short adjournment and fixed the next date of hearing on 06.07.2006 vide inter

in order

dt.30.06.2006 wherein the contentions of both sides were recorded. In the circumstances, on 06.07.2006,

a further request on similar lines, for adjournment, was made. No order has so far been passed on the

same. It is also stated that the bail application is also pending before the Bombay High Court and that

the matter will again come on board on 21.07.2006 for final hearing. Since the matter is pending before

the Bombay High Court, we are of the opinion that an opportunity must be given to the detenu to defend

his case before the Settlement Commission as well as before the High Court. We, therefore, stay the

settlement proceedings in relation to settlement application No.128/CEX/2006-SC(MB) filed by the

detenu Shri Charles Patrick and his firm till the disposal of the bail application by the High Court.

CrI.MP No.7101/2006 is disposed of accordingly.

(Satish K.Yadav)
Soolan Wati Arora)

(Ph

Court Master
Court Master