

ITEM NO.33

COURT NO.11

SECTION IIA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1) No(s).3327/2004

(From the judgment and order dated 29/04/2004 in MCRLC No. 456/2004
of The HIGH COURT OF M.P AT GWALIOR)

BINARANI

Petitioner(s)

VERSUS

LALLAN & ORS.

Respondent(s)

(With appln(s) for stay, impleadment and with office report)

Date: 11/03/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner(s) Mr. C.L. Sahu, Adv.

Ms. Hema Sahu, Adv.

For Respondent(s) Mr. B. Dutta, ASG.

Mr. Aarohi Bhalla, Adv.

Ms. Sushma Suri, Adv.

Ms. Vibha Datta Makhija, Adv.

UPON hearing counsel the Court made the following

O R D E R

Impleadment allowed.

Learned counsel appearing for the Union of India and Border Security Force seeks

time to file counter affidavit. Four weeks time, as prayed, is granted. Counsel for the impleaded

party may also file counter within the said period. Learned counsel for the petitioner -

complainant produces before us a copy of the letter dated 8th February, 2005 by Officer

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Commanding, Artillery Training School, Border Security Force, Tekanpur, Gwalior, addressed to

District Magistrate, Gwalior, by which the complainant has been directed to appear before the

Border Security Force Court. On her failure, the Magistrate has been directed to arrest the

petitioner and produce her before Border Security Force Academy, Tekanpur, Gwalior for

recording evidence.

On a prayer for interim relief, it is directed that the proceedings before the BSF Court

under Border Security Force Act, 1968 shall remain stayed and the complainant shall not be

arrested or coerced to appear before the said Court until decision of this case.

Copy of this Order be sent to the District Magistrate, Gwalior and respondents.

(S. Thapar)

(Shelly Sengupta)

PS to Registrar

Court Master

Note: Copy of the order be given today.