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Crl.A.No. 324 OF 2004

OUT-TODAY

ITEM No.1

Court No. 2

SECTION IIA
A/N MATTER

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

Suo-Moto Petition No.5410/2004 in Criminal Appeal No. 324/2004

IN RE : NEWS ITEM "MADHEPURA IN A TIZZY OVER PAPPU VISIT" IN THE TIMES
OF INDIA DATED 05.05.2004

Crl.A.No.324/2004

KALYAN CHANDRA SARKAR

Appellant (s)

VERSUS

RAJESH RANJAN @ PAPPU YADAV & ANR.

Respondent (s)

(With appln.(s) for directions and exemption from filing OT)

With Crl.M.P.No.1477/2005 in Suo-Moto Petition No.5410/2004 in

Crl.A.No.324/2004 (appln.(s) for modification of this Court's dated
20.7.2004 In SUO-MOTO PETITION)

With

Crl.M.P.No.1589 & 3200 of 2005 in Crl.A. No.1129/2004 (for appropriate
orders/directions and exemption from filing OT of Annexure-R-A)

Date : 17/03/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE

HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s)Ms. Indu Malhotra,Adv.

In Suo-Moto

in Crl.M.PMr. Vijay Hansaria, Sr.Adv.

1477/05 Mr. Amit Pawan, Adv.

Mr. S.C. Chandrashekhar, Adv.

For Respondent (s)

For R.1Mr. Rakesh Kumar Singh, Adv.

& applicant in Mr. Vijay Pratap Singh, Adv.

Crl.MP 1477 & 3200Mr. C.D. Singh, Adv.

Of 2005

For CBIMr. A. Saran, ASG.

Mr. Sandhya Goswami, Adv.

Mr. P. Parmeswaran,Adv.

For State of BiharMs. Sunita R. Singh, Adv.

Mr. B.B. Singh,Adv.

For BSNLMr. Maninder Singh, Adv.

Mrs. Pratibha M. Singh, Adv.

Mr. Angad Mirdha, Adv,

For Kamla PrasadMr. Amit Kumar, Adv.

Mr. Ashwani Kumar Dhatwalia, Adv.

For Dr.A.Q.SiddiquiMr. P.S. Mishra, Sr.Adv.

Mr. Saket Singh, Adv.

Ms. Niranjana Singh, Adv.

Mr. K.R. Sasipraphu, Adv.

UPON hearing counsel the Court made the following

O R D E R

Crl.M.P.No.3200 of 2005 in Crl.A. No.1129/2004

The first prayer in this application is to direct the authorities of Tihar Jail, New Delhi to take the respondent who is an elected Member of Parliament to the Parliament House for taking oath as a Member of Parliament. On the facts and circumstances of this case we think it appropriate that this relief should be granted. We direct the authorities of Tihar Jail, New Delhi to make arrangements to take the applicant to the Parliament House on 21st of March, 2005 to facilitate him to take oath as a Member of Parliament. After the proceedings of the Parliament on that day he shall be brought back to the Tihar Jail and kept in custody as per our earlier order.

Learned Additional Solicitor General appearing for the CBI brings to our notice that the applicant herein has also filed an independent writ petition before the High Court for the same relief. The learned counsel for the applicant herein gives an undertaking that the said writ petition will be withdrawn immediately.

The prayer 'B' sought for in this application is rejected.

With the above directions this application is disposed of.

Crl.M.P.No.1477/2005 in Suo-Moto Petition No.5410/2004 in Crl.A.No.324/2004

By this application the petitioner is seeking medical treatment at All India Institute of Medical Sciences, New Delhi. He has stated that he is suffering from certain ailments which require immediate treatment. We direct the Director General, Health Services, Government of India, New Delhi to nominate a competent doctor to examine the applicant in Tihar Jail, New Delhi within a week from today and if recommended by the said doctor that treatment is necessary in anyone of the hospitals in Delhi, the Jail authorities will make arrangements for providing the applicant such treatment as advised by the said doctor. A report in regard to the applicant's health condition will be submitted in this Court within two weeks from today.

The learned counsel for the parties are permitted the inspection of the records summoned by this Court from Patna Medical College Hospital as well as Beur Jail pertaining to this case.

Adjourned.

(PAWAN KUMAR)
COURT MASTER

(PREM PRAKASH)
COURT MASTER