

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).5051/2013

(From the judgment and order dated 07/06/2013 in CRLP No. 210/2012 of The HIGH COURT OF GUWAHATI, ASSAM)

MAHAT CH BRAHMA & ORS.

Petitioner(s)

VERSUS

STATE OF ASSAM

Respondent(s)

(With application for ex-parte stay and office report)

WITH

SLP(Cr1) NO. 5053 of 2013

[ANUP PRATIM GOGOI & ORS. V. STATE OF ASSAM]

(With office report)

SLP(Cr1) NO. 5054 of 2013

[AHMED HUSSAIN & ORS. V. STATE OF ASSAM]

(With office report)

Date: 19/06/2013 These Petitions were mentioned today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK

HON'BLE MR. JUSTICE RANJAN GOGOI

[VAACATION BENCH]

For Petitioner(s)

Mr. Dharmendra Kumar Sinha, Adv.

For Respondent(s)

UPON being mentioned, the Court made the following
O R D E R

List these Special Leave Petitions on Friday, the 21st June, 2013.

[KALYANI GUPTA]
COURT MASTER

| | [SHARDA KAPOOR]
| | COURT MASTER

ITEM NO. 5

COURT NO. 3

Dated: 24/6/2013

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

The counsel for the petitioner has appearing and prays for pending disposal of SLP(Cr1) No. 3919 of 2013.

No one has appeared for the State despite notice in the Special Leave Petition.

In the circumstances, we have no option but to direct enlargement of bail of the accused persons to the satisfaction of the learned Sessions Judge, Barabanki, U.P. in S.T. Case No. 34 of 19989 titled State v. Hanuman and others considering the fact that the application of the appellants is for comounding the offence.

[KALYANI GUPTA]
COURT MASTER

| | [SHARDA KAPOOR]
| | COURT MASTER

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

Issue notice.

Mr. B.S. Banthia accepts notice on behalf of respondent No. 1.

In the meanwhile, there shall be stay of the operation of the impugned judgment and order of the High Court subject to the condition that the appellant will neither participate in the proceedings in the Vidhan Sabha nor draw remuneration in the capacity as a member of the Vidhan Sabha but he shall be entitled to participate in the deliberations of the Vidhan Sabha.

Reply, if any, be filed within a week's time.

List the application after the on going summer vacation.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

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

Issue notice.

In the meanwhile, further proceedings of Petition No. 634/MDS dated 28th May, 2013 titled Sartaj Singh v. Ashley Raina pending in the Court of Civil Judge (Junior Division), P.S. Pura, Jammu and Kashmir shall remain stayed.

We make it clear that by the said order any restrain orders passed by the trial court of Jammu and Kashmir shall remain in force.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

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

Issue notice.

In the meanwhile in the event the petitioner is arrested in connection with FIR No. 08 dated 7th January, 2013 under Section 498A, 406, 506, 323, 34 IPC of P.S. City Sirsa, he shall be released on bail to the satisfaction of the Arresting Authority.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

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

This application has been filed with a prayer to stay further proceedings of Special Civil Application No. 9004 of 2013. It has been brought to our notice on behalf of the writ petitioners that Special Civil Application No. 9004 of 2013 has been withdrawn on 21st June, 2013 and a copy of the order of the High Court of Gujarat dated 21st June, 2013 has been produced before us.

On a perusal of the said order dated 21st June, 2013, we find that the writ petition before the High Court stands withdrawn and the interim relief, if any, granted stands vacated.

Hence, this application does not survive and accordingly, stands disposed of.

It is stated that a fresh writ petition impugning Special Civil Application No. 9639 of 2013 has been filed covering the subject matter of the very same Special Civil Application No. 9004 of 2013.

If that be so, it is for the State of Gujarat to make a mention before the High Court that writ petitions covering the subject matter of the aforesaid Special Civil Application No. 9639 of 2013 is pending before this Court. It will be

| for the High Court to decide whether to take up the hearing of such a Civil |
| Application which is going on. |

| [KALYANI GUPTA]
| COURT MASTER

| | [SHARDA KAPOOR]
| | COURT MASTER