

IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL/APPELLATE JURISDICTION

Writ Petition(s) (Criminal) No(s). 43/2012

JAMIL AHMEDKHAN ABDULLA KHAN & ANR

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

WITH

Criminal Appeal No.667/2012 & Criminal Appeal No. 1115/2012

O R D E R

Delay is condoned in Criminal Appeal No.667 of 2012.

We have heard Ms. Kamini Jaiswal, learned counsel appearing for the appellants - accused and Mr. Kunal A. Cheema, learned Additional Government Advocate appearing for the respondent - State of Maharashtra at length.

In view of the peculiar facts and circumstances of these cases, we direct the concerned designated Court viz. Special Judge (TADA Court) Nashik at Nashik, Maharashtra to dispose of the pending matter viz. TADA Case No.1 of 1999 within a period of one year from the date of receipt of the original records from the Registry to the said Court and if necessary, day-to-day hearing should be conducted and unnecessary adjournments should not be granted in any manner whatsoever.

We have been informed by the learned counsel appearing for the respondent - State that original records in Criminal Appeal(s) are lying in this Registry.

We further direct the Registry of this Court to immediately send the original records received in the Criminal Appeal(s) to enable the concerned designated Court to continue the proceedings and dispose of the pending matter within the stipulated period of time as ordered by us today.

Since one of the matters filed by the appellant {being Writ Petition (Criminal) No.43 of 2012} is under Article 32 of the Constitution of India, we make it clear that if the appellants - accused are aggrieved by the orders of the designated Court, they shall be at liberty to renew their prayers before this Court.

As prayed by the learned counsel for the respondent - State, we direct that the appellants - accused in the matters shall cooperate with the trial and attend the proceedings to enable the concerned Court to dispose of the matter within the stipulated period of time and to arrive at a logical conclusion.

We have been informed by the learned counsel for the respondent - State that he is not sure whether the said designated Court is still functional in the Nashik District as on date.

In view of the above, we request the High Court to take appropriate steps to constitute/nominate the Special Court immediately, if the same is not functional in the Nashik District.

Before parting with the matters, we make it very clear that we have not expressed any opinion on the merits of these cases and the concerned designated Court shall deal with the pending matter independently and in accordance with the provisions of law.

As prayed, the appellants - accused shall be at liberty to take all points before the designated Court at the time of hearing of the matter.

The Writ Petition and the Criminal Appeals filed by the appellants - accused are disposed of in the afore-stated terms.

.....J  
(PINAKI CHANDRA GHOSE)

.....J  
(ASHOK BHUSHAN)

NEW DELHI;  
9TH NOVEMBER, 2016.

ITEM NO.101

COURT NO.8

SECTION X/IIA

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

Writ Petition(s) (Criminal) No(s). 43/2012

JAMIL AHMEDKHAN ABDULLA KHAN &amp; ANR

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With office report)

WITH

Crl.A. No. 667/2012

(With appln.(s) for condonation of delay in filing appeal)

Crl.A. No. 1115/2012

(With Office Report)

Date: 09/11/2016 These petition and appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Ms. Kamini Jaiswal, Adv.

Ms. Shumaila Altaf, Adv.

Mr. Jatinderpal Singh, Adv.

For Respondent(s)

Mr. Kunal A. Cheema, Addl. Govt. Advt.

Mr. Yogesh K. Ahirrao, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Delay is condoned in Criminal Appeal No.667 of 2012.

The Writ Petition and the Criminal Appeals filed by the appellants - accused are disposed of in terms of the signed order.

(VISHAL ANAND)

COURT MASTER

(SNEH LATA SHARMA)

COURT MASTER

(Signed Order is placed on the file)

