

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

Petition(s) for Special Leave to Appeal (Crl) No(s).6927-6932/2009

(From the judgement and order dated 05/12/2008 in CRLMA No. 14469/2008 & CRLMA No. 14471/2008 & CRLMA No. 14473/2008 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

BABUBHAI JAMNADAS PATEL ETC.ETC.

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP,exemption from filing c/c of the impugned Judgment,exemption from filing O.T.,stay and to urge subsequent facts not part of the record below and permission to file additional documents and office report)
(For final disposal)

Date: 11/03/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Mukul Rohtagi, Sr. Adv.
 Mr. Muzefa Ahmadi, Adv.
 Mr. Ejaz Maqbool,Adv.
 Mr. Parthiv Shah, Adv.
 Mr. Padhuman Gohil, Adv.
 Ms. Garima Kapoor, Adv.
 Mr. Faraz Khan, Adv.

For Respondent(s) Mr. R.K. Abichandani, Sr. Adv.
 Mr. Yatin N. Oza, Sr. Adv.
 Mr. Bharatbhai Naik, Sr. Adv.
 Mr. S. Udaya Kumar Sagar, Adv.
 Ms. Bina Madhavan, Adv.
 Ms. Roma I. Fidelis, Adv.
 M/S. Lawyer'S Knit & Co,Adv.

 Ms. Hemantika Wahi ,Adv
 Ms. K. Enatoli Sema, Adv.
 Mr. Somanath Padhan, Adv.

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

Upon the matter being taken up, it was submitted by Mr. Rohtagi, learned senior counsel appearing for the petitioners, that an affidavit has since been filed by one Shri B.D. Vaghela, Deputy Inspector General of Police, Law and Order, before the Gujarat High Court in Special Criminal Application No.2259 of 2008, wherein it has been stated that no case appears to have been made out

for forwarding the petitioners herein to the learned Magistrate for trial. In fact, the affidavit also indicates that the investigating authority intends to file 'A' summary in the case.

Mr. Rohtagi submitted that having regard to such affidavit, the hearing of this matter should be adjourned to await the result of the finding on such affidavit by the High Court.

Mr. Oza, learned senior advocate appearing for some of the respondents, submitted that there were in fact four separate proceedings pending before the Gujarat High Court initiated by different land owners and that the affidavit had been filed only in the proceedings filed by Babhubhai Patel.

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However, on behalf of the State of Gujarat, it has been submitted by Ms. Sema that as the affidavit stands, the State may not continue with the prosecution.

Having heard learned counsel for the respective parties, we are of the view that having regard to the affidavit filed before the High Court which indicates that the State and the Prosecuting Authorities may not continue with the prosecution, the hearing of the special leave petition should be adjourned for the present, so that the pending application in the High Court can be heard and disposed of having regard to the affidavit filed on behalf of the State. However, since we have also granted interim relief to the petitioners, it is only equitable that the matters pending before the High Court should also be disposed of at an early date.

In the circumstances, we request the High

Court to hear out the four pending applications,
being Special Criminal Application Nos.2176/2009,
1811/2009, 1855/2008 and 23259/2008, on the basis
of the submissions that may be made on behalf of

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the respective parties and the above-mentioned
affidavit, within one month from the date of
communication of this Order.

We make it very clear that any observation
made by us in this order should not in any way
influence the final disposal of the applications
by the High Court and this order is being passed
only with a view that the matter may be considered
in the High Court at an early date upon hearing
all the parties and having regard to the affidavit
referred to hereinabove.

Let these special leave petitions be listed
once again for further consideration on 26th
April, 2010.

(Neetu Khajuria)
Sr.P.A.

(Juginder Kaur)
Court Master