

ITEM NO.101

COURT NO.3

SECTION II-C

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

Criminal Appeal No(s).375/2006

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

PREETI AGGARWAL

Respondent(s)

(TO GO BEFORE THREE HONBLE JUDGES
IA No. 20229/2011 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

CrI.A.No.1512/2008 (II-A)

W.P.(CrI.) No.110/2007 (X)

CrI.A. No.2414/2010 (II-A)

W.P.(CrI.) No.55/2009 (X)

W.P.(CrI.) No.267/2018 (X)

W.P.(CrI.) No.278/2018 (X)

Date : 17-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s) Mr.Sunil Kumar, Sr.Adv.
(In CrI.A.1512/ Ms.Rohini Prasad, Adv.
2008) Mr.Akshat Chaitanya, Adv.
Mrs.Sarla Chandra, AOR

In WP(CrI.)110/07 Mr.Sunil Kumar, Sr.Adv.
Mr.Himanshu Shekhar, AOR
Mr.Jamnesh Kumar, Adv.

In WP(CrI.)55/09 Mr.Sunil Kumar, Sr.Adv.
Mr.Kaushik Poddar, AOR
Mr.Aditya Vaibhav Singh, Adv.

In WP(CrI.)267/18 Mr.Sunil Kumar, Sr.Adv.
& 278/18 Mr.Rudreshwar Singh, Adv.
Mr.Gautam Singh, Adv.
Ms.Snehil Sonam, Adv.

In Crl.A.375/06 Ms.V.Mohana, Sr.Adv .
Mr.Harish Pandey, Adv.
Mr.Rajesh Chauhan, Adv.
Ms.K.Dutta, Adv.
Ms.Ankita Sharma, Adv.
Ms.Nikita Capoor, Adv.

Mr. Mukesh Kumar Maroria, AOR

Mr. Sanjay Jain, AOR

For Respondent(s) Mr. B. Krishna Prasad, AOR
Mr. Rameshwar Prasad Goyal, AOR
Mr. Abhishek Atrey, AOR
Mr. Chandra Bhushan Prasad, AOR
Mr. Tapesh Kumar Singh, AOR
Mr.Shri Singh, Adv.
Ms.Sayali Kadu, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

When this matter came up before two judges bench comprising of Hon'ble Mr.Justice Fakkir Mohamed Ibrahim Kalifulla and Hon'ble Mr.Justice Shiva Kirti Singh, on 10.07.2014, the learned Judges referred the question of, "whether the ordinance and its continuance ad infinitum as a law made by the Executive, would be contrary to the basic features of separation of powers and the scheme of checks and balances inscribed in the polity the Constitution has adopted", to a larger Bench. The Hon'ble Judges were of the opinion that deciding the constitutional questions involved in the present case would have serious ramifications on other pre-constitution laws which continue to be in force by virtue of Article 372 of the Constitution of India.

Considering the material on record, the submissions made by the learned counsel for the parties, as also the judgments rendered by this Court in Hansraj Moolji vs. State of Bombay, (1957) SCR 634 and R.C.Jall Parsi and Another vs. Union of India and Another, AIR 1962 SC 1281, we are in agreement with the views expressed by the two learned Judges of this Court in the earlier order dated 10.07.2014. Looking to the possible widespread ramifications on similar existing laws, we deem it appropriate that this matter be heard by a Constitution Bench for an authoritative pronouncement.

We, therefore, direct the Registry of this Court to place the matter before the Hon'ble Chief Justice of India for passing appropriate orders in this regard.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR