

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).7581/2008

(From the judgement and order dated 16/06/2008 in CRLA No. 950/2007
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

JAVED KHAN @ JAHID KHAN AZEEZKHAN PATHAN

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(With appln(s) for exemption from filing O.T. and permission to place
addl. documents on record)

Date: 23/02/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Ms. Nitya Ramakrishnan, Adv.
Mr. Sarim Naved, Adv.
Mr. Nikhil Nayyar, Adv.

For Respondent(s) Mr. Adhyaru Yashank P, Sr. Adv.
Ms. Pinki Behra, Adv.
Ms. Hemantika Wahi, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The appeal is disposed of in terms of the signed order.

(Ajay Kr. Jain)
Court Master

(Vinod Kulvi)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 380 OF 2009
(Arising out of SLP(Crl.) No. 7581 of 2008)

Javed Khan @ Jahid Khan Appellant

Versus

State of Gujarat Respondent

ORDER

Heard.

Leave granted.

This appeal is directed against the judgment and order dated

16.06.2008 of the High Court of Gujarat at Ahmedabad in Criminal Appeal No. 950/2007 whereby the appeal filed by the State of Gujarat against the order of grant of bail to the appellant herein by the learned Special Judge (POTA) Court has been allowed and the order of the learned Special Judge (POTA) Court has been set aside. By the impugned judgment the trial of the appellant-accused has been remitted to the Sessions Court for taking proceedings against the appellant under the penal law.

It is not in dispute that the Central POTA Review Committee came to the conclusion that no offence under the POTA Act is prima facie made out against the appellant herein. In that view of the matter, the impugned judgment and order insofar as it sets aside the order of grant of bail to the appellant is set aside. However, the appellant is at liberty to approach the trial court for seeking appropriate relief as permissible under law. As and when such a prayer is made to the trial court, the trial court shall decide the same on its own merits uninfluenced by any observations made by the High Court in its order dated 16.06.2008 or this order.

The appeal is accordingly disposed of.

.....J.
(LOKESHWAR SINGH PANTA)

.....J.
(B. SUDERSHAN REDDY)

New Delhi
February 23, 2009