

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO.444 OF 2007

MD. SHAHABUDDIN

Petitioner(s)

VERSUS

STATE OF BIHAR &amp; ORS.

Respondent(s)

(With appln(s) for directions)

Date: 08/08/2007 This Petition was mentioned today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE TARUN CHATTERJEE

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s)

Mr. Ranjit Kumar, Sr. Adv.

Mr. Rudreshwar Singh, Adv.

Mr. Kaushik Poddar, Adv.

Mr. Gopal Kumar Jha, Adv.

Mr. Sanjay Jain, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

Taken on Board.

Issue notice.

The petitioner is undergoing imprisonment in District Jail, Siwan, Bihar. He is a sitting Member of Parliament and decided to cast his vote for election of Vice-President and filed a writ petition before the High Court, which is pending and no orders have been passed thereon. In the above circumstances, prayer has been made before this Court to enable the petitioner to cast his vote.

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The Jail Superintendent of the District Jail, Siwan, within the State of Bihar, is directed to take the petitioner with sufficient police escort to the Parliament House, Delhi, to cast his vote and the Election Commission may allow him to cast the vote in the premises of Parliament House for the election of Vice-President. After the casting of the vote, the petitioner will be taken back to the District Jail, Siwan. The Director General of Police, Bihar, and the Commissioner of Police, Delhi, are directed to make appropriate arrangements so that the petitioner may cast his vote in the premises of Parliament House at Delhi. They may further see that he is taken back to jail in Siwan immediately after casting his vote.

Prayer has been made that the petitioner should be brought to Delhi by flight and it has been stated that the petitioner is ready to bear the air passage for himself and the escort party. If so, the petitioner may be brought to Delhi by air.

Let this order be communicated to the Director General of Police, Bihar, the Superintendent of Police, Siwan, the Election Commission of India and the Commissioner of Police, Delhi, by fax as

well at the cost of the petitioner, which must be deposited in course of the day.

[ Alka Dudeja ]  
Court Master

[ Om Prakash ]  
Court Master