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ITEM NO.101  
(PH)

COURT NO.3

SECTION II/IIB

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO. 1193 OF 2006

ABUZAR HOSSAIN @ GULAM HOSSAIN Appellant (s)  
VERSUS  
STATE OF WEST BENGAL Respondent(s)  
(With appln(s) for permission to file additional documents)

WITH APPEAL(CRL) NO. 1397 of 2003

SLP(Crl) NO. 1451 of 2003  
(With appln.for recalling the court's order and with office report)

R.P.(CRL) NO. 390 of 2010 in SLP(Crl) NO. 2542 of 2003  
(With office report)

CRIMINAL APPEAL NO. 654 of 2002  
(With appln.for exemption from filing O.T., permission to file  
addl.documents and office report)

SLP(Crl) NO. 8768 of 2011  
(With appln.for c/delay in filing SLP and c/delay in refiling SLP and  
exemption from filing c/c of the impugned judgment and bail and with office  
report)

SLP(Crl) NO. 8855 of 2011  
(With appln.for c/delay in filing SLP and c/delay in refiling SLP and  
exemption from filing c/c of the impugned judgment and bail and with office  
report)

SLP(Crl) NO.616/12 (PH)  
(With office report)

Date: 09/01/2013 These matters were called on for hearing today.  
CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM  
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioners/  
Appellant(s)  
in Crl.A.1193/06

Mr. Rauf Rahim, Adv.

Crl. A.No.654/02 Ms. Sandhya Goswami, Adv.  
Mr. MPS Tomar, Adv.  
Mr. Jabar Singh, Adv.  
Mr. Sanjaya Krishna, Adv.

SLP (Crl)1451/03: Mr. Rajiv Mehta, Adv. (NP)

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Crl.A.1397/03 Mr. Chanchal Kumar Ganguli, Adv.  
Mr. Soumi Kundu, Adv.

SLP(Crl)8768 & Mr.Yogesh Swarup, Adv.  
8855/11 Mr. P.K. Mittal, Adv.  
Mr. Dushyant Swaroop, Adv.  
Mr. B.K. Rai, Adv.  
Dr. Kailash Chand, Adv.

RP(Crl)390/10 Mr. V. Sivasubramanian, Adv.

SLP(Crl)616/12 Mr. Nagendra Rai, Sr.Adv.  
Mr. Smarhar Sagar, Adv.

Mr. Shantanu Sagar, Adv.  
Mr. Abhishek Kr. Singh, Adv.  
Mr. T. Mahipal, Adv.

For Respondent(s) Mr. Kabir Shankar Bose, Adv.  
Crl.A.1193 & 1397/03:Mr. Avijit Bhattacharjee, Adv.  
Mr. Bikas Kargupta, Adv.  
Ms. Sarbani Kar, Adv.  
Mr. Kabir Basu, Adv.

SLP(Crl)8768/11 & Mr. Vikas Sharma, Adv,  
8855/11 Mr. Kamal Mohan Gupta, Adv.

RP(Crl)390/10 Mr. Kuldip Singh, Adv.

Crl.A.654/02 Mr. Vivek Vishnoi, Adv.  
Mr. M.R. Shamshad, Adv.

SLP(Crl)616/12 Mr. Gopal Singh, Adv.  
Mr. Manish Kumar, Adv.  
Mr. Chandan Kumar, Adv.

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

CRL.A.No.1193/2006:

Heard both sides.

In view of the decision of this Court reported in 2012 (10) SCC 489 titled Abuzar Hossain Alias Gulam Hossain vs. State of West Bengal with regard to the claim of the appellant, we have to determine his age on the date of the incident. Accordingly, we direct the Additional District & Sessions Judge, South 24, Parganas, West Bengal to conduct an enquiry as regard to the age of the appellant on the date of the incident and submit a report to this Court within

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a period of four months from the date of the receipt of the copy of the order of this Court. The Trial Judge is directed to afford an opportunity to all the parties concerned to enable them to submit their claim. The parties are directed to appear before the Trial Court on 11th February, 2013.

CRL.A.No.654/2002:

Heard both sides.

In view of the decision of this Court reported in 2012 (10) SCC 489 titled Abuzar Hossain Alias Gulam Hossain vs. State of West Bengal with regard to the claim of the first appellant, namely, Indra Sen @ Male, we have to determine his age on the date of the incident. Accordingly, we direct the Ist Additional Sessions Judge, Jaunpur (U.P.) to conduct an enquiry as regard to the age of the appellant on the date of the incident and submit a report to this Court within a period of four months from the date of the receipt of the copy of the order of this Court. The Trial Judge is directed to afford an opportunity to all the parties concerned to enable them to submit their claim. The parties are directed to appear before the Trial Court on 11th February, 2013.

CRL.A.No.1397/2003:

Heard both sides.

In view of the decision of this Court reported in 2012 (10) SCC 489 titled Abuzar Hossain Alias Gulam Hossain vs. State of West Bengal with regard to the claim of the appellant, namely, Sersaha

Sheikh, we have to determine his age on the date of the incident. Accordingly, we direct the Additional Sessions Judge, 4th Court, Nadia to conduct an enquiry as regard to the age of the appellant on the

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date of the incident and submit a report to this Court within a period of four months from the date of the receipt of the copy of the order of this Court. The Trial Judge is directed to afford an opportunity to all the parties concerned to enable them to submit their claim. The parties are directed to appear before the Trial Court on 11th February, 2013.

S.L.P.(CRL)No.616/2012:

Heard both sides.

In view of the decision of this Court reported in 2012 (10) SCC 489 titled Abuzar Hossain Alias Gulam Hossain vs. State of West Bengal with regard to the claim of the petitioner, viz. Ram Sahay Rai, we have to determine his age on the date of the incident. Accordingly, we direct the 2nd Additional Sessions Judge, Bhojpur (Arrah) Bihar to conduct an enquiry as regard to the age of the petitioner on the date of the incident and submit a report to this Court within a period of three months from the date of the receipt of the copy of the order of this Court. The Trial Judge is directed to afford an opportunity to all the parties concerned to enable them to submit their claim. The parties are directed to appear before the Trial Court on 28th January, 2013.

S.L.P.(CRL)No.8768/2011:

Heard both sides.

In view of the decision of this Court reported in 2012 (10) SCC 489 titled Abuzar Hossain Alias Gulam Hossain vs. State of West Bengal with regard to the claim of the petitioner, viz. Gajinder Sarup, we have to determine his age on the date of the

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incident. Accordingly, we direct the Additional Sessions Judge, Kurukshetra, Haryana to conduct an enquiry as regard to the age of the petitioner on the date of the incident and submit a report to this Court within a period of three months from the date of the receipt of the copy of the order of this Court. The Trial Judge is directed to afford an opportunity to all the parties concerned to enable them to submit their claim. The parties are directed to appear before the Trial Court on 28th January, 2013.

List all these matters after the receipt of the report for further hearing.

S.L.P.(Crl)No.8855/2012:

Learned counsel appearing for the petitioner informs this Court that the petitioner has already served out the sentence awarded to him. In view of the same, he is not pressing the special leave petition. The above statement is hereby recorded. The special leave petition is dismissed as not pressed.

S.L.P.(Cr1)No.1451/2003:

List tomorrow.

REVIEW PETITION.(CRL)No.390/2010 in SLP(Cr1)NO. 2542/2003:

Delinked.

[ Usha Bhardwaj ]  
Court Master

[ Savita Sainani ]  
Court Master