

ITEM NO.109

COURT NO.7

SECTION X

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

WRIT PETITION (CRL.) NO(s). 206 OF 2006

TAZA SARBAAZ

Petitioner(s)

VERSUS

STATE OF JAMMU & KASHMIR

Respondent(s)

(With office report)

Date: 17/08/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s)

Mr. Gaurav Aggarwal, Adv. (A.C.)

For Respondent(s)

Fro the State

Mr. Anis Suhrawardy, Adv.

For the UOI

Mr. P.P. Malhotra, ASG.
Mr. Chinmoy Pradip Sharma, Adv.
Mr. D.D. Kamal, Adv.
Mr. S.N. Terdol, Adv.

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

We have heard this matter in part.

We have also perused the affidavits that have
been filed in response to the order dated 6th of May,
2010.

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It has been pointed out to us that against
the order of acquittal of the trial court
in Kupwara, the State of Jammu and Kashmir
had

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filed an appeal in the High Court which had been
allowed and the matter has been remitted
retrial before the Tis Hazari Courts on
transfer of the case to Delhi. We also find that
the petitioner has been in custody for more than
13 years as of today. We, therefore, adjourn
this matter in order to enable the learned
counsel for the respondent to inform us as to the
specific provisions of the Arms Act under which
he has been charged and also the details of the
charge that has been framed and as to why he has
been transferred to Jodhpur Jail though the trial
is going on in Delhi.

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It may also be clarified that in case the
petitioner has also completed the maximum
sentence that he could be awarded under the Arms
Act the steps if any taken to deport him
Afghanistan.

Put up as the first item on 14th September,

2010.

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(KALYANI GUPTA)
SR. P.A.

(VINOD KULVI)
COURT MASTER