

CASE NO.:
Appeal (crl.) 734 of 2007

PETITIONER:
Pahalad Prabhudas Patel and others

RESPONDENT:
State of Gujarat

DATE OF JUDGMENT: 15/05/2007

BENCH:
B.P. SINGH & ALTAMAS KABIR

JUDGMENT:
JUDGMENT

O R D E R

CRIMINAL APPEAL NO.734 OF 2007
(Arising out of SLP(Crl.) No. 1357 of 2006)

WITH

CRIMINAL APPEAL NO.736 OF 2007
(Arising out of SLP(Crl.) No. 1568 of 2006)
Pahaladbhai Prabhudas Patel and others

\005. Appellants

Versus

State of Gujarat

\005. Respondent

AND

CRIMINAL APPEAL NO.735 OF 2007
(Arising out of SLP(Crl.) No. 1570 of 2006)
Pahaladbhai Prabhudas Patel and others

\005. Appellants

Versus

State of Gujarat

\005. Respondent

B.P. SINGH, J.

1. Special leave granted in all the special leave petitions.

2. These special leave petitions were placed for hearing before us and after hearing the parties we proposed to dispose of the matters at the admission stage itself. We, therefore, reserved our order. Later we were informed by counsel appearing on behalf of appellants in another appeal (Crl. A. No. 1113/2005 etc. etc.) that appeals involving the same issues had been directed to be heard by us. We, therefore, did not deliver judgment and awaited hearing of the other appeals. Ultimately those appeals were heard by us and we have referred the appeals to be heard by a larger bench by our order dated 22.2.2007.

3. In appeals arising out of SLP (Crl.) Nos. 1568/2006 and 1570/2006, the questions involved inter alia relate to the effect of recommendation made by the Review Committee under the provisions of The Prevention of Terrorism Act, 2002 as amended by Ordinance of 2003. Similar questions are also involved in Crl. A. No. 1113/2005 and other connected matters, though that case relates to similar provisions in Prevention of Terrorism (Repeal) Act, 2004, which we have referred to a larger Bench. We are, therefore, of the view that the appeals arising out of SLP (Crl.) Nos. 1568/2006 and 1570/2006 should also be considered by a larger Bench and, if so, directed by the Hon'ble Chief Justice, may be heard along with Crl. A. No. 1113/2005 and other connected matters which are pending

hearing before a larger Bench.

4. In criminal appeal arising out of SLP (Crl.) No. 1357/2006 the appellants have impugned the order of the High Court dated 9.3.2006 dismissing their application for discharge under Section 227 of the Code of Criminal Procedure. We notice that criminal appeals giving rise to SLP(Crl.) Nos. 1357/2006, 1568/2006 and 1570/2006 were heard together by the High Court but the appeal giving rise to SLP(Crl.) No. 1357/2006 was disposed of by a separate judgment. If criminal appeals arising out of SLP(Crl.) 1568/2006 and 1570/2006 are ultimately decided in favour of the appellants, nothing may survive for consideration in the criminal appeal arising out of SLP(Crl.) 1357/2006. However, if the appellants do not succeed in the aforesaid two appeals, the Court may consider the merit of criminal appeal arising out of SLP (Crl.) No.1357/2006.

5. In these circumstances, we direct that criminal appeal arising out of SLP (Crl.) No. 1357/2006 may also be heard by a larger bench alongwith appeals arising out of SLP (Crl.) 1568/2006 and 1570/2006 or soon after the disposal of those two appeals, as the Hon'ble Chief Justice may direct.

6. Accordingly, we direct that these matters be placed before the Hon'ble Chief Justice for appropriate directions.