

\224

SLP(Crl.)No. 3342 OF 2003
ITEM No.32

Court No. 4

SECTION IIA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 3342/2003

(From the judgement and order dated 16/05/2003 in CRLMC 996/03
of The HIGH COURT OF ORISSA AT CUTTACK)

SHAILENDRA KUMAR TOMATIA

Petitioner (s)

VERSUS

REPUBLIC OF INDIA

Respondent (s)

(With Appln(s). for stay)
(With Office Report)

Date : 08/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)

Mr. Harish N. Salve, Sr.Adv.
Mr. Udai U. Lalit, Adv.
Ms. Aprajita Singh, Adv.
Mr. Siddhartha Chowdhury, Adv.

For Respondent (s)

Mr. Sanjay Karoli, Sr.Adv.
Mr. AP. Sahay, Adv.
Mr. P. Parmeswaran, Adv.

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

Leave granted.

In State of Orissa Vs. Devendra Nath Padhi [2003 (2) SCC 711], noticing the conflict of decisions on the question of scope of examination by the Magistrate at the time of framing of charge, it has been directed that the matter be referred to a larger Bench. The point involved in the present case is somewhat similar. It would, therefore, be appropriate to tag the present case with the aforementioned case of Devendra Nath Padhi.

Further, considering that the case out of which the present petition has arisen is pending since 1999 and also considering that the similar question is likely to arise in many criminal cases, it is appropriate to expedite the hearing of the petition.

The parties are given liberty to mention before the Hon'ble Chief Justice.

(S. Thapar)

(V.P. Tyagi)

PS to Registrar

Court Master