

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL APPELLATE/ORIGINAL JURISDICTION

ORIGINAL SUIT NO.3 OF 2003

STATE OF NAGALAND

....PLAINTIFF(S)

VERSUS

UNION OF INDIA

....DEFENDENT(S)

WITH

CIVIL APPEAL NO.1513 OF 2005

WITH

CONTEMPT PETITION (CIVIL) NO.78 OF 2002

AND

WITH

CONTEMPT PETITION (CRL.)NO.3 OF 2003

ORIGINAL SUIT NO.1 OF 2002

CRIMINAL APPEAL NO.927 OF 2012

CRIMINAL APPEAL NO.929 OF 2012

CRIMINAL APPEAL NO.937 OF 2012

CRIMINAL APPEAL NO.932 OF 2012

CRIMINAL APPEAL NO.931 OF 2012

CRIMINAL APPEAL NO.942 OF 2012

Signature Not Verified
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Ramana Venkata Ganti
Date: 2014.07.31

CRIMINAL APPEAL NO.935 OF 2012

15:10:27 IST
Reason:

2

CRIMINAL APPEAL NO.944 OF 2012

CRIMINAL APPEAL NO.939 OF 2012

CRIMINAL APPEAL NO.936 OF 2012

CRIMINAL APPEAL NO.940 OF 2012

CRIMINAL APPEAL NO.938 OF 2012

CRIMINAL APPEAL NO.930 OF 2012

CRIMINAL APPEAL NO.934 OF 2012

CRIMINAL APPEAL NO.933 OF 2012

CRIMINAL APPEAL NO.941 OF 2012

CRIMINAL APPEAL NO.943 OF 2012

AND
WITH
CRIMINAL APPEAL NO.928 OF 2012

O R D E R

ORIGINAL SUIT NO.3 OF 2003:

1. Shri K. Parasaran, learned senior counsel for the Plaintiff seeks permission of this Court to withdraw the Original Suit.

2. Permission sought for is granted.

3. The Original Suit is disposed of as withdrawn.

3

ORIGINAL SUIT NO.1 OF 2002:

4. This Original Suit is filed by the Plaintiff under Article 131 of the Constitution of India, inter alia, requesting this Court to issue an order of injunction to restrain the defendants/respondents- State of Punjab and its authorities from prohibiting online lottery by the State of Sikkim in the State of Punjab and also the validity of Rules 6A and 6B of the Punjab State Lottery Rules, 1999 as illegal.

5. In view of the subsequent developments that have taken place in the State of Punjab, Shri Mariarputham, learned senior counsel, on instructions, seeks leave of the Court to withdraw the Original Suit with liberty to file a fresh suit in the event that the State of Punjab and/or its authorities restrain the State of Sikkim from operating their online lottery in the State of Punjab.

6. Permission sought for is granted. The Original Suit is disposed of as withdrawn with liberty to file a

fresh suit in the event that the State of Punjab and/or

4

its authorities restrain the State of Sikkim from operating their online lottery in the State of Punjab.

CRIMINAL APPEAL NO.927 OF 2012:

7. For the sake of convenience, we are taking Criminal Appeal No.927 of 2012 as the lead case in this group of appeals.

8. This appeal is directed against the common judgment and order passed by the High Court of Kerala at Ernakulam in CrI.M.C.No.10528 of 2002 dated 28.02.2008 filed under Section 482 of the Code of Criminal Procedure, 1973.

9. The learned Judge, while exercising his powers under Section 482 of the Code of Criminal Procedure has kept in his view the pendency of some of the matters arising out of the provisions of the Lotteries (Regulation) Act, 1998 (for short 'the Act') and the also under the provisions of the Indian Penal Code, 1860 (for short, "the IPC").

10. While quashing the First Information Report registered by the various police authorities against the

5

respondents-herein, the Court has observed as under :

"7. The admitted position is that the crimes registered against the petitioners at various police stations and the final reports pending against some of them before the criminal courts, have been kept in limbo. The fate of these proceedings will depend on the final outcome of the cases pending before the apex court. Therefore, in my view the State is not likely to be prejudiced in any manner if these cases are disposed of with liberty to proceed with the proposed prosecutions subject to the final decision in the cases pending before the Supreme Court."

11. In our considered view, the learned Judge has

not committed any mistake, for the simple reason, that he has only quashed the proceedings subject to the final outcome of the Special Leave Petitions/Civil Appeals pending before this Court.

12. In view of the above, we dispose of these Criminal Appeals. However, we grant liberty to the State of Kerala that, if, they succeed in the pending appeals before this Court, they are at liberty to make appropriate application(s) before the jurisdictional police authorities/Courts to revive the prosecution proceedings initiated by them against the respondents-herein both under the Act and also under the

6

provisions of the IPC.

CRIMINAL	APPEAL	NO.937	OF	2012
CRIMINAL	APPEAL	NO.932	OF	2012
CRIMINAL	APPEAL	NO.931	OF	2012
CRIMINAL	APPEAL	NO.942	OF	2012
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CRIMINAL	APPEAL	NO.944	OF	2012
CRIMINAL	APPEAL	NO.939	OF	2012
CRIMINAL	APPEAL	NO.936	OF	2012
CRIMINAL	APPEAL	NO.940	OF	2012
CRIMINAL	APPEAL	NO.938	OF	2012
CRIMINAL	APPEAL	NO.930	OF	2012
CRIMINAL	APPEAL	NO.934	OF	2012
CRIMINAL	APPEAL	NO.933	OF	2012
CRIMINAL	APPEAL	NO.941	OF	2012
CRIMINAL	APPEAL	NO.943	OF	2012
AND WITH				
CRIMINAL	APPEAL	NO.928	OF	2012:

13. In view of the order passed in Criminal Appeal No.927 of 2012, these appeals are also disposed of in the same terms, observations and directions.

CIVIL APPEAL NO.1513 OF 2005

14. This Civil Appeal is directed against the order passed by the High Court of Punjab and Haryana at Chandigarh in CWP No.4572 of 2002, dated 18.04.2002 wherein the High Court while admitting the petition has declined to grant prayer for interim stay.

15. This Court, while entertaining the Special Leave

Petition, had granted the interim prayer sought for by the petitioner in the pending Writ Petition filed before the High Court. Since the Writ Petition is pending before the High Court, in our considered opinion, it is desirable for the petitioner/appellant to contest the Writ Petition before the High Court itself.

16. In that view of the matter, while disposing of the appeal, we permit the appellant-herein to raise all such contentions, available to him including the contentions raised in this Civil Appeal before the High Court.

17. We clarify that the interim order granted by this Court shall enure to the benefit of the appellant till the Civil Writ Petition No.4572 of 2002 pending before the High Court is disposed of.

CONTEMPT PETITION (CIVIL) NO.78 OF 2002
AND WITH CONTEMPT PETITION (CRL.)NO.3 OF 2003

18. In view of the disposal of the Civil Appeal itself out of which these Contempt Petitions arise, in our opinion, nothing survives in these contempt petitions
8
for our consideration and decision.

19. Therefore, the Contempt Petitions are also disposed of as having become infructuous.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(R.K. AGRAWAL)

.....J.
(ARUN MISHRA)

ITEM NO.101

COURT NO.2

SECTION IIIA

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

Original Suite (s). 3/2003

STATE OF NAGALAND

Petitioner(s)

VERSUS

UNION OF INDIA
(with office report)

Respondent(s)

WITH

C.A. No. 1513/2005
(With office report)ORGNL.SUIT No. 1/2002
(With .Office Report)W.P.(C) No. 474/2003
(With .Office Report)C.A. No. 3518/2007
(With .Office Report)C.A. No. 3519/2007
(With .Office Report)C.A. No. 3520/2007
(With .Office Report)C.A. No. 4521/2007
(With .Office Report)SLP(C) No. 14278/2007
(With prayer for Interim Relief and Office Report)SLP(C) No. 15222/2007
(With prayer for interim Relief and Office Report)SLP(C) No. 15291/2007
(With prayer for Interim Relief and Office Report)W.P.(C) No. 641/2007
(With Office Report)Crl.A. No. 927/2012
(With .Office Report)

10

Crl.A. No. 937/2012
(With .Office Report)Crl.A. No. 932/2012
(With .Office Report)Crl.A. No. 931/2012
(With .Office Report)Crl.A. No. 942/2012
(With .Office Report)Crl.A. No. 935/2012
(With .Office Report)

Crl.A. No. 944/2012
(With .Office Report)

Crl.A. No. 939/2012
(With .Office Report)

Crl.A. No. 936/2012
(With .Office Report)

Crl.A. No. 940/2012
(With .Office Report)

Crl.A. No. 938/2012
(With .Office Report)

Crl.A. No. 930/2012
(With .Office Report)

Crl.A. No. 934/2012
(With .Office Report)

Crl.A. No. 933/2012
(With .Office Report)

Crl.A. No. 941/2012
(With .Office Report)

Crl.A. No. 943/2012
(With .Office Report)

Crl.A. No. 929/2012
(With .Office Report)

Crl.A. No. 928/2012
(With .Office Report)

11

W.P.(C) No. 233/2010
(With .Office Report)

SLP(C) No. 26014/2011
(With .Office Report)

Date : 15/07/2014 These petitions/appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE R.K. AGRAWAL
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr.K.Parasaran, Sr.Adv.
Mr.Pradeep Aggarwal, Adv.
Mr.Lal Pratap Singh, Adv.
Mr.Umesh Pratap Singh, Adv.
Mr.Shobit Tiwari, Adv.
Ms. Ruchi Kohli ,Adv.

Mr.Tejveer Singh Bhatia, Adv.
Mr.Gaurav Sharma, Adv.
Mr. Abhinav Mukerji ,Adv.

Mr.A.Mariarputham, Sr.Adv.
Ms.Aruna Mathur, Adv.
Mr.Yusuf Khan, Adv.
Mr.Ashok S.Pillai, Adv.
for M/s Arputham, Aruna & Co. ,Adv.

Mr.Rituraj Biswas, Adv.

For Mr. Anil Shrivastav ,Adv.

Mr.Sudhir Chandra, Sr.Adv.
Mr.Gautam Naryan, Adv.
Mr.Mubashir Mushtaq, Adv
Mr. Nikhil Nayyar ,Adv.

Mr. Sanjay R. Hegde ,Adv.(NP)

Mr.K.N.Bhat, Sr.Adv.
Mr.V.N.Raghupathy, Adv.
Mr.Anantha Narayana M.G.,Adv.
Mr.Parikshit P.Angadi, Adv.

Mr.V.Giri, Sr.Adv.
Mr. Ramesh Babu M. R. ,Adv.

Mr. P. V. Dinesh ,Adv.

12

Petitioner-in-person .

For Respondent(s) Mr.K.Radhakrishnan, Sr.Adv.
Ms.Sunita Sharma, Adv.
Ms.V.Mohana, Adv.
Mr.Shashank Bajpai, Adv.
For Ms. Sushma Suri ,Adv.

Mr.V.Giri,Sr.Adv.
Mr.Ramesh Babu, M.R.,Adv.

Mr.Jagjit Singh Chhabra, Adv.
Mr.Samir Bhalotra, Adv.

Mr. Ajay Pal ,Adv.(NP)

Ms. Liz Mathew ,Adv.

Mr.Kapil Sibal, Sr.Adv.
Mr.Mahesh Agarwal, Adv.
Mr.Rishi Agrawala, Adv.
Ms.Radhika Gauram, Adv.
Mr.Abhinav Agrawal, Adv.
Mr.Shashank Monish, Adv.
For Mr. E. C. Agrawala ,Adv.

Mr. Siddhartha Chowdhury ,Adv.

Ms. Purnima Bhat ,Adv.

Mr. Dheeraj Nair ,Adv.

Mr. Pahlad Singh Sharma ,Adv.

Mr. M. P. Vinod ,Adv.

Mr.Gautam Naryan, Adv.
Mr.Mubashir Mushtaq, Adv.
Mr.Nikhil Nayyar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Original Suit No.3 of 2003 and Original Suit No.1 of 2002 are dispesed of as withdrawn, Criminal Appeal Nos.927, 929, 937, 932, 931, 942, 935, 944, 939, 936, 940, 938, 930, 934, 933, 941, 943 and 928 of 2012 and Civil Appeal No.1513 of 2005 are disposed of and Cont.Pet.(C)No.78 fo 2002 and Cont.Petn.(Crl.)No.3 of 2003

in Civil Appeal No.1513 of 2005 are disposed of as having become
infructuous, in terms of the signed order.

13

Arguments continued in C.A.NO.3518, 3519 and 3520/2007
etc.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar

(Signed order is placed on the file)