

ITEM NO.112

COURT NO.2

SECTION II

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

Criminal Appeal No(s). 1562/2017

GAUHATI HIGH COURT BAR ASSOCIATION

Appellant(s)

VERSUS

THE STATE OF ASSAM & ORS.

Respondent(s)

Date : 01-03-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s) Mr. Manish Goswami, Adv.
 Mr. Rameshwar Prasad Goyal, AOR
 Mr. Arun Adlakha, Adv.
 Mr. C.M. Angadi, Adv.

For Respondent(s) Ms. K. Enatoli Sema, AOR
 Ms. Limayinla Jamir, Adv.
 Mr. Amit Kumar Singh, Adv.
 Ms. Chubalemla Chang, Adv.
 Mr. Prang Newmai, Adv.

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Sai Shashank, Adv.
Mr. Deepayan Dutta, Adv.

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

The issue raised in this appeal is whether the High Court exercising jurisdiction under Section 438 of the Code of Criminal Procedure, 1973 has discretion not to entertain such an application on the ground that the applicant must first apply to the Court of Sessions.

In our view, a decision on the aforesaid issue would have wide ramifications.

Therefore, at the oral request of the learned counsel for the appellant, we deem it appropriate to implead Union of India as a respondent in this appeal.

Let notice of the appeal be served on the office of the learned Solicitor General of India, returnable after six weeks.

In the meantime, liberty is granted to serve the Advocate-on-Record representing the Central Agency.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)