

ITEM NO.41

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Criminal) No. 36/2018

VINEET DHANDA

Petitioner

VERSUS

UNION OF INDIA & ORS.

Respondents

(IA No.25333/2018-STAY APPLICATION)

WITH

W.P.(Crl.) No. 42/2018 (X)

(IA No.25333/2018-STAY APPLICATION In Connected Case W.P.(Crl.)
No.000036/2018 and IA No.33127/2018-CLARIFICATION/DIRECTION)

W.P.(Crl.) No. 62/2018 (X)

(FOR ADMISSION and IA No.39198/2018-EX-PARTE STAY)

Date : 16-07-2018 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner

Mr. Mahabir Singh, Sr. Adv.
Dr. Vijendra Mahndiyan, Adv.
Ms. Pallavi Awasthi, Adv.
Ms. Mamta Rani, Adv.
Mr. Deepak Goel, AOR

Ms. Aishwarya Bhati, AOR
Ms. Ritu Apurva, Adv.
Ms. Tanuja Patra, Adv.
Ms. Vaidruti Mishra, Adv.

Dr. J.P. Dhanda, AOR
Ms. Raj Rani Dhanda, Adv.
Mr. Vineet Dhanda, Adv.
Mr. N.A. Usmani, Adv.

For Respondents

Mr. K.K. Venugopal, AG
Mr. Aman Lekhi, ASG
Mr. R. Balasubramanian, Adv.
Ms. Uttara Babbar, Adv.
Ms. Aarti Sharma, Adv.

Mr. A.K. Sharma, Adv.
Mr. Mukesh Kumar Maroria, AOR

Mr. Shekhar Naphade, Sr. Adv.
Mr. M. Shoeb Alam, AOR
Ms. Fauzia Shakil, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Mojahid Karim Khan, Adv.

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

It is submitted by Mr. Shekhar Naphade, learned senior counsel appearing for the State Jammu & Kashmir that the controversy raised in this matter is covered with all force by the Constitution Bench decisions in *Naga People's Movement of Human Rights vs. Union of India*, (1998) 2 SCC 109 and *Lalita Kumari vs. Government of Uttar Pradesh & Ors.*, (2014) 2 SCC 1. The said position is disputed by Mr. K.K. Venugopal, learned Attorney General for India on the ground that the decisions rendered by the Constitution Benches would not be applicable in view of the language employed in Section 7 of the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990.

As a pure question of law emerges, learned counsel for the parties shall restrict their arguments exclusively to this aspect.

The issue of maintainability of the petitions is also kept open.

Let the matter be listed at 2.00 p.m. on 30.7.2018.

Let W.P. (Crl.) No. 42/2018 and W.P. (Crl.) No. 62/2018 be also listed alongwith W.P. (Crl.) No. 36/2018.

(Deepak Guglani)
Court Master

(H.S. Parasher)
Assistant Registrar