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C.A.No. 5875 OF 1994
ITEM No.101

Court No. 1

SECTION XVI

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

Civil Appeal No. 5875 of 1994

Krishna Kumar Singh & Anr.

...Appellant(s)

vs.

State of Bihar & Ors.

...Respondent(s)

(with appln.(s) for stay and with office report)

with

C.A. Nos. 3533-3595/1995 (State of Bihar & Ors. vs. Subhash Chandra & Ors.) (with appln.(s) for exemption from appointment of official translator and clarification and substitution and c/delay in filing substitution and with office report)

C.A. Nos. 5876-5890/1994 (Bimal Kumar Ishwar & Ors. vs. State of Bihar & Ors.) (with appln.(s) for stay and exemption from filing OT and impleading party and early hearing and c/delay in filing written submissions and with office report)

W.P.(C) No. 580/1995 (Surendra Narain Singh & Ors. vs. State of Bihar & Ors.) (with appln.(s) for deletion of the name of the petitioner and with office report)
with I.A. No. 3

Date: 23/11/2004 This/These matter(s) was/were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE B.N. SRIKRISHNA
HON'BLE MR. JUSTICE G.P. MATHUR

-Mr. G E Vahanvati, Solicitor General

Mr. K P Pathak, ASG
Mr. Ramji Srinivasan, Adv.
Ms. R Hakim, Adv.
Mr. P Parmeswaran, Adv.
for Attorney General for India.

For Appellant (s)/
Petitioner(s)

in CA 5875/94Mr. P P Rao, Sr. Adv.

Mr. Vishal Gupta, Adv.
Mr. Sanjay Pathak, Adv.

Ms. Kamini Jaiswal, Adv.
(also for respondent(s) in CA3533-3595)

in CA 3533-3595/95Mr. Rakesh Dwivedi, Sr. Adv.
Mr. B B Singh, Adv.
Ms. Niranjana Singh, Adv.
Ms. Vimla Sinha, Adv.
Mr. Abhishek Chaudhary, Adv.
Mr. Gaurav Bhatia, Adv.
Mr. Gaurav Dhama, Adv.
Mr. Adarsh Upadhyaya, Adv.
Mr. Nitesh, Adv.

in CA 5876-5890/94Dr. Rajiv Dhavan, Sr. Adv.
Mr. Chandra Prakash, Adv.
Mr. Vivek Singh, Adv.
Mr. Lakshmi Raman Singh, Adv.
(also for respondent(s) in CA 3533-3595)

in WP 580/95Mr. Irshad Ahmad, Adv.

For Respondent (s)
Mr. Rakesh Dwivedi, Sr. Adv.
Mr. B B Singh, Adv.
Ms. Niranjana Singh, Adv.
Ms. Vimla Sinha, Adv.
Mr. Abhishek Chaudhary, Adv.
Mr. Gaurav Bhatia, Adv.
Mr. Gaurav Dhama, Adv.
Mr. Adarsh Upadhyaya, Adv.
Mr. Nitesh, Adv.

Mr. Shambhu Prasad Singh, Adv.
Ms. Manjula Gupta, Adv.
Mr. Prem Sunder Jha, Adv.
Mr. M D Pandeya, Adv.

Mr. Anil K Chopra, Adv.

Mr. S B Upadhyay, Adv.

Mr. Rakesh K Sharma, Adv.

Respondent No. 2 in CA 3584/95 in-person.

Mr. S R Setia, Adv.

Mr. P P Rao, Sr. Adv.
Mr. Akhilesh Kumar Pandey, Adv.
Mr. Ashok Kr. Pandey, Adv.
Ms. Mahalakshmi Pavani, Adv.
Mr. G Balaji, Adv.
Mr. P Manish, Adv.
Mr. Vishal Gupta, Adv.

Mr. Irshad Ahmad, Adv.

Mr. Subhash Sharma, Adv.

Mr. Amit Kumar, Adv.

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

During the course of hearing, Mr. P P Rao, learned senior counsel for the appellants placed reliance on the decisions of this Court in State of Orissa vs. Bhupendra Kumar Bose, 1962 (Suppl

.2) SCR 380 and T. Venkata Reddy and Ors. vs. State of Andhra Pradesh, 1985 (3) SCC 198. The learned Solicitor General brought to the notice of this Court the decision in State of Punjab vs. Sat Pal Dang & Ors., 1969 (1) SCR 478. All these decisions are Constitution Bench decisions. Mr. Rakesh Dwivedi, learned senior counsel for the respondent-State of Bihar, however, relied on a 9-Judge Bench decision of this Court in S.R. Bommai and Ors. vs. Union of India and Anr., 1994 (3) SCC 1 and in particular paragraphs 283 to 290 thereof.

We are of the opinion that these matters call for hearing by a 7-Judge Bench of this Court. Be listed accordingly.

(D.P. WALIA)
COURT MASTER

(RADHA R. BHATIA)
COURT MASTER