

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 1916/2020

(Arising out of impugned final judgment and order dated 14-02-2020 in CRABA No. 314/2019 passed by the High Court of Judicature at Bombay)

ANAND TELTUMBDE

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No.37372/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.37373/2020-PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

SLP(Cr1) No. 1842/2020 (II-A)

(IA No.37114/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.37112/2020-EXEMPTION FROM FILING O.T. and IA No.37118/2020-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.37109/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 16-03-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Mihir Desai, Sr. Adv.
Ms. Aparna Bhat, AOR
Ms. Karishma Maria, Adv.
Mr. Nizam pasha, Adv.
Mr. Raghav Tankha, Adv.Dr. A.M. Singhvi, Sr. Adv.
Ms. Warisha Farasat, Adv.
Mr. Amit, Adv.
Mr. Shadan Farasat, Adv.
Mr. Bharat Gupta, Adv.
Mr. Shadan Farasat, AORFor Respondent(s) Mr. Tushar Mehta, SG
Mr. K.M. Natraj, ASG
Ms. Sonia Mathur, Sr. Adv.
Mr. Kanu Agrawal, Adv.

Ms. Swati Ghildiyal, Adv.
Mr. Rajat Nair, Adv.
Mr. Balram Das, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, Adv.

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

We have not mentioned the facts in detail, as requested by the learned counsel for the petitioner(s).

However, we are satisfied that in view of the provisions contained in Section 43D(4) of the Unlawful Activities (Prevention) Act, 1967, which exclude the operation of Section 438 of the Cr.P.C. No case is made out to exercise the powers under Section 438 Cr.P.C. Section 43D(4) is extracted hereunder:-

“Nothing in section 438 of the code shall apply in relation to any case involving the arrest of any person accused of having committed an offence punishable under this Act.”

We are of the opinion that it cannot be said that no prima facie case is made out. The petitions cannot be said to be maintainable in view of the bar contained in 43D(4) of the Unlawful Activities (Prevention) Act, 1967. The special leave petitions are, accordingly, dismissed. However, since the protection has been enjoyed by the petitioners approximately for 1½ years, three weeks time from today is granted to them to surrender. The petitioners shall surrender their passport forthwith with the Investigation Agency/Officer.

Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-P.S.

(R.S. NARAYANAN)
COURT MASTER