

HIGH COURT OF MADHYA PRADESH : JABALPUR

FULL BENCH - I (Time 2:30 PM)

Daily Cause List dated : 31-08-2021

BEFORE: HON'BLE THE CHIEF JUSTICE & HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA &
HON'BLE SHRI JUSTICE VISHAL DHAGAT

Court Room No.: 1

(FOR HYBRID SYSTEM OF PHYSICAL / VIRTUAL HEARING OF THE CASES)

MOTION HEARING

[DIRECTION MATTERS]

SN	Case No	Petitioner / Respondent	Petitioner/Respondent Advocate
1	WP 06716/2021	KAMAL KISHORE SHARMA THR. FATHER KESHAV PRASAD SHARMA Versus THE STATE OF MADHYA PRADESH & Ors.	VIJAY PRATAP SINGH TOMAR, AMIT SINGH TOMAR, SUNIL BHARDWAJ, VIVEK KUMAR MISHRA[P-1], RAVI CHOUDHARY[P-1], ABHISHEK MISHRA[P-1], ASHVANI KUMAR DIXIT[P-1], RISHI RAJAK[P-1] ADVOCATE GENERAL
PUBLIC SAFETY & ORDER-16300 - National Security Act 1980-16304 - National Security Act 1980-16304 Relief - KINDLY BE QUASHED THE ORDER DT. 11/01/2021 (ANNX. P-1) {FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} FOR DECIDING THE QUESTIONS AS PROPOSED HEREUNDER:- (I) WHETHER, WHILE PREVENTIVELY DETAINING A PERSON ALREADY IN CUSTODY THE DISTRICT MAGISTRATE IS OBLIGED TO EXPRESSLY DISCLOSE IN HIS DETENTION ORDER UNDER SECTION 3 OF NATIONAL SECURITY ACT THAT THIS FACT IS WITHIN HIS KNOWLEDGE AND YET FOR EXISTENCE OF EXTRAORDINARY CIRCUMSTANCES INVOKING SECTION 3 OF NATIONAL SECURITY ACT IS IMPERATIVE, OR SUCH KNOWLEDGE CAN BE DECIPHERED AND JUSTIFIED FROM THE RECORD WHILE ANSWERING CHALLENGE TO SUCH AN ORDER IN THE COURT OF LAW AS HELD BY APEX COURT IN VIJAY KUMAR (SUPRA) AND MERUGU SATYANARAYANA (SUPRA) ? (II) RATIO OF JUDGMENTS DELIVERED BY APEX COURT IN THE CASE OF V IJAY KUMAR (SUPRA) AND MERUGU SATYANARAYANA (SUPRA) NOWHERE LAY DOWN INCLUSION OF RECITAL IN ORDER OF PREVENTIVE DETENTION, AS REGARDS THE AFORESAID KNOWLEDGE AND SATISFACTION OF THE DISTRICT MAGISTRATE. AS SUCH THE DECISIONS OF THIS COURT IN MD. VAKIL (SUPRA) AND AWDHESH SHARMA (SUPRA), APPEAR TO RUN CONTRARY TO THE RATIO OF APEX COURT IN VIJAY KUMAR (SUPRA) AND MERUGU SATYANARAYANA (SUPRA) AND THUS ARE LIABLE TO BE DECLARED AS SUCH OR NOT ? 01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION			
2	WP 11876/2021	BHARAT SINGH THAKUR Versus THE STATE OF MADHYA PRADESH & Ors.	SANKALP KOCHAR, SIDDHANT KOCHAR, VIKAS TIWARI, PARMA NAND SAHU, RAJESH PANDEY, BHAVIL PANDEY, ADARSH GOSWAMI, SIDDHARTH SHRIVASTAVA, ARNAV TIWARI, PRAMENDRA SINGH THAKUR ADVOCATE GENERAL
HABEAS CORPUS-13900 - HABEAS CORPUS-13900 - HABEAS CORPUS-13900 PUBLIC SAFETY & ORDER-16300 - National Security Act 1980-16304 - National Security Act 1980-16304 ESSENTIAL COMMODITIES-13100 - Essential Commodities Act, 1955-13101 - Essential Commodities Act, 1955-13101 Relief - set aside the order dt 14.06.2021 (annex p-3) {FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} FOR ORDER ON :-1.WHETHER AS PER SECTION 3 (3) AND (4) OF THE BLACK MARKETING ACT (OR ANY OTHER ANALOGOUS PROVISION OF ANY OTHER DETENTION LAW) PERMITS THE DISTRICT MAGISTRATE/COMPETENT AUTHORITY TO DETAIN THE PERSON BEYOND THE PERIOD OF THREE MONTHS IN ONE GO. IN OTHER WORDS, WHETHER SECTION 3 (3) AND(4) AFORESAID RESTRICTS THE COMPETENT AUTHORITY TO PASS THE ORDER OF DETENTION AT THE FIRST INSTANCE ONLY FOR A PERIOD OF THREE MONTHS?2.IN VIEW OF ABOVE CLEAVAGE OF OPINION IN THE JUDGMENT OF THE APEX COURT (ONE OF WHICH WAS FOLLOWED BY THE DIVISION BENCHES OF THIS COURT), WHICH VIEW SHALL BE BINDING PRECEDENT FOR THIS COURT? 01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION			
2.1	Linked (2) WP 11548/2021	SUDHEER SONI @ RAHUL SONI	HAKIM KHAN QURESHI, SHAHNAWAZ KHAN, AJAY SEN, BHAGWAN DAS SONI
WP/11876/2021 (M)			

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BEFORE: HON'BLE THE CHIEF JUSTICE & HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA & HON'BLE SHRI JUSTICE VISHAL DHAGAT

Versus

UNION OF INDIA **& Ors.**

ASSISTANT SOLICITOR GENERAL, ADVOCATE
GENERAL[R-2][R-3]

HABEAS CORPUS-13900 - HABEAS CORPUS-13900 - HABEAS CORPUS-13900
PUBLIC SAFETY & ORDER-16300 - National Security Act 1980-16304 - National Security Act
1980-16304

Relief - TO QUASH THE IMPUGNED ORDER DT. 14/06/2021 ANN P/5

{FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} **FOR ORDER ON 1. WHETHER AS PER SECTION 3 (3) AND (4) OF THE BLACK MARKETING ACT (OR ANY OTHER ANALOGOUS PROVISION OF ANY OTHER DETENTION LAW) PERMITS THE DISTRICT MAGISTRATE/COMPETENT AUTHORITY TO DETAIN THE PERSON BEYOND THE PERIOD OF THREE MONTHS IN ONE GO. IN OTHER WORDS, WHETHER SECTION 3 (3) AND (4) AFORESAID RESTRICTS THE COMPETENT AUTHORITY TO PASS THE ORDER OF DETENTION AT THE FIRST INSTANCE ONLY FOR A PERIOD OF THREE MONTHS? 2. IN VIEW OF ABOVE CLEAVAGE OF OPINION IN THE JUDGMENT OF THE APEX COURT (ONE OF WHICH WAS FOLLOWED BY THE DIVISION BENCHES OF THIS COURT), WHICH VIEW SHALL BE BINDING PRECEDENT FOR THIS COURT?**

01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION

TOTAL CASES : 3 (with connected matters)

PR (J) / R (J-I) / R(J-II)