

Abdul Rehman Antulay vs Union Of India And Ors. Etc on 17 April, 1984

Equivalent citations: 1984 AIR 1358, 1984 SCR (3) 482, AIR 1984 SUPREME COURT 1358, 1984 CRIAPPR(SC) 205, 1984 CURCRIJ 224, 1984 CRILR(SC MAH GUJ) 236

Author: Amarendra Nath Sen

Bench: Amarendra Nath Sen, D.A. Desai

PETITIONER:
ABDUL REHMAN ANTULAY

Vs.

RESPONDENT:
UNION OF INDIA AND ORS. ETC.

DATE OF JUDGMENT 17/04/1984

BENCH:
SEN, AMARENDRA NATH (J)
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SEN, AMARENDRA NATH (J)
DESAI, D.A.

CITATION:
1984 AIR 1358 1984 SCR (3) 482
1984 SCALE (1) 620
CITATOR INFO :
RF 1988 SC1531 (143)
RF 1992 SC1701 (9)

ACT:
Constitution of India Art. 141-Duty of all courts to follow decision of the Supreme Court.
Supreme Court Rules-Whether Supreme Court can entertain writ petition against its own order and judgment.

HEADNOTE:

JUDGMENT:

ORIGINAL & CRIMINAL APPELLATE JURISDICTION: Writ Petition (Crl) No. 708 of 1984.

(Under Article 32 of the Constitution of India) And Special Leave Petition (Crl) Nos. 1949-50 of 1984 (From the Judgment and Order dated 13.3.84 and 16.3.84 of the Bombay High Court in Special Case Nos. 24/82 & 3/83) Murli Bhandare, Govinddas, Ms. Bina Gupta, H.R. Bhardwaj and PP. Singh for the petitioner.

Ram Jethmalani, Ashok Desai and Ms. Rani Jethmalani for the respondents.

The Order of the Court was delivered by AMARENDRA NATH SEN, J. There is no merit in this Writ Petition. The writ petition is accordingly dismissed.

In my view, the writ petition challenging the validity of the order and judgment passed by this Court as nullity or otherwise incorrect cannot be entertained. I wish to make it clear that the dismissal of this writ petition will not prejudice the right of the petitioner, to approach the Court with an appropriate review petition or to file any other application which he may be entitled in law to file.

DESAI, J. I broadly agree with the conclusion recorded by my brother.

The learned Judge in deciding the S.L.P. (Crl) Nos. 1149-50/1984 has followed the decision of this Court. The learned Judge was perfectly justified and indeed it was the duty of the learned Judge to follow the decision of this Court which is binding on him.

Special leave petitions are dismissed.

H.S.K.

Petitions dismissed.