

Ram Narayan Singh and Another

Vs

State of Uttar Pradesh

Writ Petition No. 5883 of 1980

(Syed M. Fazal Ali, A. Varadarajan JJ)

31.03.1981

JUDGMENT

FAZAL ALI, J. -

In this petition the vires of Section 9 of the Code of Criminal Procedure (U. P. Amendment) Act, 1976 (U. P. Act 16 of 1976) has been challenged on the ground that this section is violative of Articles 19, 14 and 21 of the Constitution of India. The point involved is a very substantial question of law as to the interpretation and application of various articles of the Constitution and would have far-reaching consequences, not only, in the State of U. P. but in other States, if they choose to follow suit and adopt the stand taken by the U. P. legislature. Section 438 of the Code of Criminal Procedure was introduced by the Parliament as being applicable to the entire country. Perhaps it may be reasonably argued that the State (U. P.) legislature was competent to pass this legislation as it has received the assent of the President under Article 254 (2) and the impugned act would prevail in the State of U. P. The question, however, remains whether or not the impugned Act could stand the scrutiny of Articles 14, 19 and 21 of the Constitution. We, therefore, direct that this case placed before Hon'ble the Chief Justice for being heard by a larger Bench, if not the Constitution Bench. Liberty to mention.

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