

Abhiram Singh

v.

C.D. Commachen (D) By Lrs. & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE R.M. LODHA HON'BLE MR. JUSTICE A.K. PATNAIK HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA HON'BLE MR. JUSTICE DIPAK MISRA HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

Civil Appeal No. 37 Of 1992 | 30-01-2014

1. In this appeal referred to the Constitution Bench, one of the questions that requires consideration is with regard to the interpretation of sub-section (3) of Section 123 of the Representation of the People Act, 1951 (for short “the 1951 Act”).

2. In the course of arguments, our attention has been invited to the order of this Court dated August 20, 2002 in Narayan Singh vs. Sunderlal Patwa ((2003) 9 SCC 300). By this order, a Constitution Bench of five Judges has referred the question regarding the scope of corrupt practice mentioned in sub-section (3) of Section 123 of the 1951 Act to a larger Bench of seven Judges. This became necessary in view of the earlier decision of a Constitution Bench of this Court in Kultar Singh vs. Mukhtiar Singh (AIR 1965 SC 141).

3. Incidentally, we may notice that Narayan Singh appeal was tagged with the present appeal and when that appeal (Narayan Singh) came up for hearing, the Court noted that Abhiram Singh vs. C.D. Commachen & others (present appeal) had already been disposed of as being infructuous. Obviously, the Court was not correctly informed as the present appeal had not become infructuous and was pending.

4. Be that as it may, since one of the questions involved in the present appeal is already referred to a larger Bench of seven Judges, we think it appropriate to refer this appeal to a limited extent regarding interpretation of sub-section (3) of Section 123 of the 1951 Act to a larger Bench of seven Judges.

5. The Registry will place the matter before Hon'ble the Chief Justice for constitution of a Bench of seven Judges. The matter may be listed subject to the order of Hon'ble the Chief Justice.