

(2009) 04 SC CK 0247

In the Supreme Court Of India

Case No : Criminal Miscellaneous Petition No. 19340 of 2008 in Criminal Appeal No. 491 of 2007 and Criminal Miscellaneous Petition No. 2150 of 2009 in Criminal Appeal No. 496 of 2007

Manzar Sayeed Khan and Another

APPELLANT

Vs

State of Maharashtra and Another

RESPONDENT

Date of Decision : 16-04-2009

Acts Referred:

Penal Code, 1860 (IPC) — Section 153, 153A, 34

Citation : (2009) 2 ACR 1587 : (2009) 14 JT 483 : (2009) 5 SCALE 553 : (2009) 12 SCC 157 : (2009) 6 SCR 431

Hon'ble Judges : K. G. Balakrishnan, C.J.; Lokeshwar Singh Panta, J.; D. K. Jain, J

Bench : Full Bench

Advocate : Soli J. Sorabjee, Kamini Jaiswal, Shomila Bakshi and Rani Mishra, for the Appellant; Shekar Naphade, Gautam Godara, (for Ravindra Keshavrao Adsure, Advocate) and Satya Siddiqui, (for Sushma Suri, Advocate), for the Respondent

Final Decision : Allowed

Judgement

1. Manzar Sayeed Khan, a constituted Attorney and Managing Director of the Oxford University Press, India - the Publisher of the Book titled "Shivaji : Hindu King in Islamic India" and Vinod Hansraj Goyal, Proprietor of Rashtriya Printing Press, Shahdara, Delhi - the Printer of the said Book, have filed the above-said Criminal Miscellaneous Petitions seeking clarification/modification of the judgment of this Court dated 05.04.2007 reported in (2007) 5 SCC 1, whereby this Court had disposed of the appeals preferred against the order dated 06.05.2004 of the High Court of Judicature at Bombay in Criminal Writ Petition No. 280 of 2004 and 370 of 2004. By the impugned order, the High Court vacated its interim order recorded on 23.02.2004 with a direction to the Crime Branch of the State of Maharashtra to complete the investigation in FIR No. 10 of 2004 registered at the Deccan Police Station, Pune, against the appellants-applicants and Prof. James W. Laine, the author of the book, under Sections 153,

153A and 34 of the Indian Penal Code [for short 'IPC']. On hearing the learned Counsel for the parties at length, this Court in paragraph 21 of the judgment concluded as under:

21. In the result, for the above-said reasons, the respondents shall not proceed against Professor James W. Laine, the author of the book, for offences under Sections 153, 153A and 34 of the IPC being the subject matter of F.I.R. No. 10 of 2004 registered at the Deccan Police Station, Pune.

2. In paragraph 12 of the judgment, contentions of Mr. Soli J. Sorabjee, learned senior counsel appearing on behalf of Manzar Sayeed Khan - appellant were noted in detail and considered. Ms. Kamini Jaiswal, learned Counsel for Vinod Hansraj Goyal-appellant, adopted the arguments advanced by Mr. Sorabjee.

3. Having gone through the judgment dated 05.04.2007, we are of the opinion that manifestly the tenor and import of the judgment was to grant same and identical relief to Mr. Manzar Sayeed Khan, Publisher and Mr. Vinod Hansraj Goyal, Printer of the Book, which was granted to Prof. James W. Laine, the author of the Book. But, it appears that by inadvertence or by mistake, the names of the Publisher and Printer of the Book had not been recorded in paragraph 21 of the judgment. Therefore, in the facts and circumstances of the case, we feel it expedient in the interest of justice to the parties to order necessary clarification/modification in paragraph 21 of the judgment, which shall get clarified and read as follow:

21. In the result, for the above-said reasons, the respondents shall not proceed against Professor James W. Laine, the author of the book, Mr. Manzar Sayeed Khan, Publisher of the Book and Mr. Vinod Hansraj Goyal, Printer of the Book, respectively for offences under Sections 153, 153A and 34 of the IPC being the subject-matter of F.I.R. No. 10 of 2004 registered at the Deccan Police Station, Pune.

4. The Criminal Miscellaneous Petitions filed by the applicants - appellants shall stand disposed of.