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**(2000) 07 SC CK 0078**  
**In the Supreme Court Of India**  
**Case No : Criminal Appeal No. 318 Of 1995**

State of A.P.

APPELLANT

Vs

A. Sathyanarayana and Others

RESPONDENT

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**Date of Decision : 25-07-2000**

**Acts Referred:**

Terrorist and Disruptive Activities (Prevention) Act, 1987 — Section 20A(1)

**Citation :** (2000) 1 ACR 582 : (2000) 2 JT 36 : (2000) 9 SCC 245

**Hon'ble Judges :** R. P. Sethi, J;K. T. Thomas, J

**Bench :** Division Bench

**Final Decision :** Dismissed

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## Judgement

1. Under sub-section (1) of Section 20-A of the Terrorist and Disruptive Activities (Prevention) Act, 1987 prior approval of the District Superintendent of Police is necessary for recording the information about the commission of an offence under the Act. A two-Judge Bench of this Court has held in Mohd. Yunus v. State of Gujarat that the prior approval envisaged in the sub-section must be in writing. But without noticing the said judgment another two-Judge Bench of this Court has held in Kalpnath Rai v. State (through CBI) that such approval need not necessarily be in writing and even oral approval by itself is not illegal and would not vitiate further proceedings.

2. For determining this case a decision on the aforesaid question is very much necessary. In view of the conflict of the views in the two decisions rendered by Benches of coequal strength, we deem it necessary that the conflict has to be resolved by a larger Bench. We, therefore, direct the Registry to place the matter before the Hon'ble the Chief Justice of India for enabling a larger Bench to hear this matter.