

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 7767/2018  
(Arising out of impugned final judgment and order dated 11-09-2017  
in MCRC No. 1395/2016 passed by the High Court of M.P. Principal  
Seat at Jabalpur)

SADIQUE &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

Date : 02-07-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Siddharth Dave, Sr. Adv.  
Mr. Farrukh Rasheed, AOR

For Respondent(s)

Mr. Pashupathi Nath Razdan, AOR  
Ms. Maitreyee Jagat Joshi, Adv.  
Mr. Pulkit Agarwal, Adv.  
Mr. Palav Agarwal, Adv.  
Mr. Astik Gupta, Adv.  
Mr. K. P. Jayram, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Relying on the three Judge Bench decision of this Court in *Bikramjit Singh v. State of Punjab* [reported in (2020) 10 SCC 616], it is submitted by Mr. Siddharth Dave, learned Senior Advocate for the petitioners that the expression "Court" appearing in Section 43D of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as 'UAPA Act') is to be seen in the light of definition of "Court" appearing in Section 2(1)(d) of the UAPA Act and as such, the Chief Judicial Magistrate who dealt with the

instant matter was not competent to grant extension of time in terms of Section 43D(2)(b) of the UAPA Act. Consequently, the petitioner was entitled to the relief of default bail in terms of Section 167(2) of the Code of Criminal Procedure read with the provisions of UAPA Act.

Mr. Pashupathi Nath Razdan, learned Advocate appearing for the respondent-State relied upon the decision of this Court in *Vidyadharan v. State of Kerala* [reported in (2004) (1) SCC 215]

Considering the importance of the matter, we request Mr.S.V. Raju, learned Additional Solicitor General to assist this Court.

Let copies of the paper book be handed over to the office of Mr. S.V. Raju, learned Additional Solicitor General within two days. List this matter for further consideration on 08<sup>th</sup> July, 2021.

(NIDHI AHUJA)  
AR-cum-PS

(VIRENDER SINGH)  
BRANCH OFFICER