

MANZAR SAYEED KHAN & ANR. A

v.

STATE OF MAHARASHTRA & ANR.

(Crl. Misc. Petition Nos.19340 of 2008, 2150 of 2009 )

IN

(Criminal Appeal Nos. 491 of 2007 & 496 of 2007) B

APRIL 16, 2009

[K. G. BALAKRISHNAN, C.J., LOKESHWAR SINGH  
PANTA AND D. K. JAIN, JJ.] C

*PENAL CODE, 1860:*

*ss. 153, 153-A r/w s.34 -- FIR alleging offences against author, Publisher and Printer of book titled "Shivaji: Hindu King in Islamic India" -- Order of Supreme Court in effect directing respondents not to proceed against author only -- Application for clarification -- HELD: Order clarified to the effect that respondents would not proceed against author, Publisher as also Printer of the book.* D

*Manzar Sayeed Khan & Anr. v. State of Maharashtra & Anr. 2007 (4 ) SCR 907=(2007) 5 SCC 1, referred to.* E

**Case Law Reference:**

**2007 (4) SCR 907 referred to para 1** F

**CRIMINAL APPELLATE JURISDICTION : Crl. Misc. Petition Nos. 19340 of 2008, 2150 of 2009.**

IN

**Criminal Appeal Nos. 491 of 2007 and 496 of 2007.** G

From the Judgment & Order dated 06.05.2004 of the High Court of Judicature at Bombay in Criminal Writ Petition No. 280/2004.

A WITH

Crl. M.P. No. 2150/2008, 496/2007

Soli J. Sorabjee, Kamini Jaiswal, Shomila Bakshi and Rani Mishra for the Appellants.

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Shekar Naphade, Gautam Godara (for Ravindra Keshavrao Adsure), and Satya Siddiqui (for Sushma Suri) for the Respondents

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The Order of the Court was delivered:

### ORDER

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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:

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"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

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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." A

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. B

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: C  
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"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." F  
G

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

R.P.

Crl. Misc. Petitions disposed of.