



FACULTY OF JURIDICAL SCIENCES

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Subject Name- Drafting, Pleading and conveyancing

SUBJECT CODE- BAL-703

Course- BA LLB, VII Sem

LECTURE 17

8. Petition for Special Leave to Appeal

Petition for Special Leave to Appeal is a petition filed under Article 136 of the Constitution from an order of the High Court refusing to grant certificate under Article 134A of the Constitution or in any other case from any judgment, decree, determination, sentence or order passed or made by any Court or Tribunal, except relating to armed forces. It may be either civil SLP or criminal SLP.

9. Special Reference Case

Normally, the following cases shall be registered as References:

1. Reference under Articles 143(1) and (2) of the Constitution;
2. Reference under Article 317(1) of the Constitution;
3. Reference under Section 11 of the Competition Act, 2002;
4. Reference under Section 14(1) of the Right to Information Act, 2005;
5. Reference under Section 17(1) of the Right to Information Act, 2005;
6. Reference under Section 257 of the Income Tax Act, 1961;
7. Reference made by Central Government or Statutory Tribunals under Order XLIV of the Rules;
8. Reference under Section 27(3A) of the Wealth Tax Act, 1957;
9. Reference under Section 11(3) of the Companies Act, 2002;
10. Reference under Section 7(1) of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.

10. Transferred Case

Transferred case means a case under Article 139A(1) of the Constitution read with Order XL of the Rules, upon being transferred by the High Court to Supreme Court.

11. Transfer Petition

1. petition filed under Article 139A(1) of the Constitution of India. It may be either civil or criminal;
2. petition filed under Article 139A(2) of the Constitution of India. It may be either civil or criminal;
3. petition filed under Section 25 of the Code of Civil Procedure, 1908. Transfer Petition (Civil);
4. petition filed under Section 406 of the Code of Criminal Procedure, 1973. Transfer Petition (Criminal); and
5. petition filed under Section 11 of the Terrorist Affected Areas (Special Courts) Act, 1984. Transfer Petition (Criminal).

Note

A transfer petition seeking transfer of a case relating to the State of Jammu and Kashmir shall be filed in terms of the ratio laid down in Anita Kushwaha vs. Pushap Sudan (Transfer Petition (C) No. 1343 of 2008).

MCQs-

- i. _____ warrant is also sometimes referred to as a fugitive warrant.
 - a. search warrant
 - b. arrest warrant
 - c. bench warrant
 - d. none

- ii. A bench warrant authorizes a law enforcement officer to go get a particular person and bring him or her into court.
 - a. search warrant
 - b. arrest warrant
 - c. bench warrant
 - d. none

- iii. A transfer petition seeking transfer of a case relating to the State of Jammu and Kashmir shall be filed in terms of the ratio laid down in
 - a. Anita Kushwaha vs. Pushap Sudan
 - b. Anita vs. Sudan
 - c. Anita vs. Push raj
 - d. amit Kushwaha vs. Pushap Sudan

- iv. transfered case means
 - a. case under Article 139A(1) of the Constitution read with Order XL of the Rules, upon being transferred by the High Court to Supreme Court.
 - b. case under Article 13 of the Constitution read with Order XL of the Rules, upon being transferred by the High Court to Supreme Court.
 - c. case under Article 139A of the Constitution read with Order X of the Rules, upon being transferred by the High Court to Supreme Court.
 - d. case under Article 139A(1) of the Constitution read with Order L of the Rules, upon being transferred by the High Court to Supreme Court.

- v. FIR can be filed by the following persons

1. By an aggrieved person or somebody on his behalf.
2. Any person who is aware of the offence by being either: (a) An eye witness and/or (b) hearsay account.
3. By the accused himself.
4. By the SHO on his own knowledge or information even when a cognizable offence is committed in
 - a.1234
 - b.2341
 - c.2134
 - d.4321