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Opa tmi bef

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(w&m;v)

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w&m;vltwuf ? Ojri hqfir e, Oya' t&m&f
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q&mawm wof Opa qmif t r fct wof ch&svrsm; ull ru&S jci f/ ajrz h eif wuf &y&om, mv Sya&/
use rma&/ ofn;a&;vma&/ vG luapa&; twuf pnf v h n h w p n r t w l t o p w l' m w f z i h p l a y g i f
aqmif &beon ul vlyft m; ay; vm;/ twif t "rRb, bc l f w m v l p o n f z i h a r; j r e f a j m q l " g w y l
rsv w r f r m; ± l u l j c i f & n w o f z p y n; a o m t r u p & y r m; w o f w & m; c h s m; b u f s r n; S r e f o y g v u f j y e f
v n f w l f - u m; a p r r m; u l l y v l y a y j c i f a u s m i f x l l q & m a w m f t j z p f E l l i h w m f o C e m, u t z e p m u s e f
&n; ay; chom Opa&Owtm; tkwlyh us&n &wemo&ylhausmif ofiwobulmxy&eft wuf of ul
to h y r n l [k a j y m q l u m v l e t c o f t a &; u l l b r f j y - y d p n f v h n h w b e a o m & n o & n o m; r s m; n d t u l
armi ES r m; - u m; p n f v h r y s u f y m; a p a o m a o g x l v h q m a y j c i f w u l l a q m i f u b e l u n i f a u s & n
t l y p k a t; c s f o m, m a &; E s h z e d a &; a u m i p D O u k u O d w l u a v # u x m; v m a o m t r i z p o n f

w&m;v Opa tmi bef (vly 1)rs, ifon jri E/ Ojrpel O v&ef uDif Esh upri wuf haumif
p n o d - u m i f j r i E l l r n [o f i w r e O u l w e f & y l w G b e x l l f y d u s e f (4) O d r n t k w y & n w o f a e x l l f u
a - u m i f t k w y & n w o f b e f) u d a u s m i f w p a u s m i f o m & y d & w e m o & y l h a u s m i f j z p a - u m i f v u & f
q & m a w m D O l [o & r n 2 0 0 4 c E p l w o f p w i a u s m i f x l l c h - u m i f q & m a w m O p a & O w o n f o C m p n f
r o f p n f u r f r m; E s h r n h w f j c i f / j y n b l v x p n f v h n h w r _ i y l u h p j c i f w l e - u m i h { & m O w w l f
o C e m, u t z e S O p a & O w t m; z, & n; y d q & m a w m D O l [o b a & m u & l m c j i j z p a - u m i f O p a & O w r n
z, & n; ay; & a o m v n f t k w y & n O D o i f / O v & e f O j r p e l O d u p r i h O p t e l j r i w l e a e t f r m; o e 4 S 5
& u c e f e r u m c % v m a & m u l v n f c h e x l l f a - u m i f t k w y & n w o f t t f a j c a y g i f (2 8 8) v l e b n f t p l u
v u & q & m a w m D O l [o & t m; u l l u G b l t t f a j c (2 7 0) c e f e y d O p a & O w t m; u l l u G b n h ' g l u m /
' g l u m r r m; t t f S (1 1) v l e f o m & a - u m i f 9 / 4 / 2 0 0 7 a e v l f O v & e f O j r p e l u D i f / u p r i w l e (4) O D

, ifw&, u±hokvml Ovd&e t r w f y i m e f e s h & [e f c b u x y l t w u f t o t s p u f (4) v h
z l c t y & e f c l y r e f a w m i f c h = u m i f & w e m o d y n a u m i f w i f (1 2 / 4 / 2 0 0 7) r s (1 8 / 4 / 2 0 0 7) a e t w i f
w i f r l u k w d y \ e m w & m ; p c e f & c i f a = u m i f [o f w r k e , f a t ; c r i f r l a u m i p b b t v s v l a = u m i f
a x m u t p m a & ; a y ; v l u a = u m i f (1 4 / 4 / 2 0 0 7) a e v i f , i f x b [o f w r k e , f a t ; c r i f r l a u m i p b s { y d
(1 7) & u r s (1 8) & u f t x d p n f u r f (1 0) c s u e s f i t n d t o k y & e f c l y k o n p m u k c h = u m i f 1 6 / 4 / 2 0 0 7
a e p l 1 8 / 4 / 2 0 0 7 a e x d O v d & e t r w f t o t s p u f (4) v h z i f t v s z h v p f a q m i & l u c h = u m i f
r k e , f a t ; c r i f r l a u m i p b s t o t s p u u l [e f w l (o b [k v) a q m i f a b m u l u b m t o k y c l y k c h o m f
v n f O v d & e r s [e f & s n f (4) v u l z h a q m i & l u c h = u m i f 1 8 / 4 / 2 0 0 7 a e r e u f (7) e m & d e f
& w e m o d y n a u m i f w i f , i f & e c l u f O j r p e f a r m i x e f w e E p O p a & m u f m y d O j r p e r s O p a & O w e s h
u e d y Z i f r m ; o r f w u & e f t w u f o r f a o m u h w m i f a = u m i f O d u f r i e s h u e a * g y u r s m ; u b l e f u d u l
a v # u & e a j y m & m O j r p e r s c i a s m ; w l e v l t a = u m i f o d r n a y d [k a j y m l j y e b n ; a = u m i f e l e u f (8) e m & d e f
w i f & w e m o d y n a u m i f o b O v d & e f O j r p e f O d a r m i x e f / u j r i h O d a r m i f a r m i a t ; " g v y l u l o l
a t m i f a u s m o l w l a & m u & l v m y d O p a & O w o l u x y k e f o r f a o m a w m i f a = u m i f u j r i f v d e s h , i f w l t z e
a u m i f a y ; o l w u f m j c i f r j y k r d v v k w a x m p c e f r s ; t m ; c i a s m ; q i f v m r v m ; u a e m l v m & r v m ; [k a r ;
a = u m i f p c e f r s ; u w u f m y g a j y m l j r i e l l w t z a u m i f a y ; o l w u f m a = u m i f j r i e l l w t z b o n f
o r f a o m l r a y ; v # i " g v y l u l i [k a j y m y d " g v y l r m ; v l u l u a = u m i f 2 4 / 1 2 / 2 0 0 7 6 a e v l y t q & m a w m f
O d o l [o & O d p d l & h o & h o m ; r s m ; u l f t t h o u & l v m w p z u i w p j c r f u l a j r z l e i f / o p y i r m ; p k o f
& s f v i f c i f w l e a q m i & l u a = u m i f x p o f j r i e l l f (c) j r i f v d e s h O j r p e l v l e a & m u f m y d j r i e l l r s ' d o , l o l
c h l f w m v n f v l y t m ; a y ; w m v m ; ' l v l r s l q l v m u l l y l c s i f s v l y l w , f [l q l u m e l c k w a e o n h
a j r z l e o n h o r s m ; t m ; " g v y l r m ; & l u f , b n ; c h = u m i f t m ; O d " y e s h O p a o m i f p e l w l e j y e a j y m l o &
a = u m i f 2 7 / 2 / 2 0 0 7 a e v i f t k v y l k n c f t v u a u m i f a & e p u b l p d v m o n h q & m r a ' ; , k k l l t m ;
O v d & e u p u b l e s h o i f w l u b n i u l q & m r a ' ; , k k l l r s O v d & e u l o i f w l u a = u m i f j y e l n i w l l u m ;
o n l u p u l j r i e l l f (c) j r i f v d r s w & m ; & h a & e x d v l u y g a q m i & l u c h = u m i f 5 / 1 / 2 0 0 7 a e v i f t k v y l k n r s
O d a u m d i f b e p a u m i u l ^ m % m i f x e f u a v ; a y g u f r s u l w l e 3) O d c l p m ; o n l u p u l l , i f r s & p c e f o l
v a y ; c h = u m i f t q l y g u p r v i f & , u t z e s q b q m l u e s u b n i f [k b c l p m ; o l ^ m % m i f x e f r s w & m ; & h o l e
v l y j u l l O d w l u a v # u l x m ; c l f a = u m i f j r i e l l b o n i r [k w r r e l v l y u l y d e l l i j c m ; t o n l v o k m e r s m ; o l
o w i f r m ; a y ; y l y d j y n b o r s m ; p l v l y a x f a t m i f o w i f y l a q m i & l u c h = u m i f j r i e l l f . v l y a q m i c s u f r m ;
o n f a u s & h . p n f v l r u l l y s u f y m ; a p a = u m i f / w & m ; O y a ' p l r h a & ; u l l v n f y s u f y m ; a p l w & m ; & h o l e
O d w l u a v # u l x m ; c l c i f j z p a = u m i f x l u q l b n f

O d o e f a i g (v l y - 2) r s , i f o n f t k v y l k n w l f a e x l l y d O p a & O w e s h y w b u l l u j r i e l l b o n f
{ & m o w w l l f y l o f r l e v o f v n f a u m i f u r h a t ; E l l i f a w m o l c e m , u t z e v i f v n f a u m i f v l u y g
a q m i & l u a y ; a e w m u h w a = u m i f , E p l w e c t v j y n h a u s m f (9) & u a e e , i f r n ' k v b & [e f o w c h = u m i f
v j y n h a u s m (1 3) & u a e v i f w & m ; p c e f o i c h = u m i f b l e f j u d a u m i f w i f w & m ; x l l a e p o f t o t s p u f
z l o n l u (2) j u r f u m ; & a = u m i f v j y n h a e v i f a u s m i f a y ; Y , i f & h e p o f O v d & e f O j r p e f O d u f r i h O d a r m i f
x e f e s h u l l i a v ; (3) y g w l e q & m a w m O d o l v o l x h a & m u f m y d O v d & e u o r f w i f o r f w u & e f
a v # u l x m ; a = u m i f O p a & O w v n t y g a = u m i f o l u x y l r n i [k a j y m & m q & m a w m O d o l [o & r s O p a & O w
o r f w u & e l y g m y g u o l a b m e s h v u t h l r a = u m i f r k e , l o c e m , u o l o b n ; & e f , i f a & v v f a j y m o h
= u m ; & a = u m i f O j r p e r s o r r n b l o b n ; y l l y p n f w u l u w u & r n i [k a j y m l o b n ; w m u l a w a = u m i f
1 8 / 4 / 2 0 0 7 a e w & m ; p c e f y d o n h a e v i f r e u f (8) e m & d e f O v d & e f u j r i e s h " g v y l q & m t y g t o i f (5) O d
c e l a u s m i f a y ; a & m u f m a = u m i f O v d & e u " g v y l u l i [k a j y m l " g v y l u l u a = u m i f u j r i e l l f O d a q m i f
y d v l 4 S 5 O l c e l a u s m i f a & e & m u b o n i t c g a u s m i f a y ; u l l r s u e h n l l { n b o n i w p O d . t r n l u c : u m
& l v m ; a y ; a = u m i f a u s m i f a y ; r s & l v , f [k a j y m o l u m ; & y d j r i e l l u " c i a s m ; v m r v m ; u a e m l v m &

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ae@ek&u&y&ll&wLf Ojrp&f O&armif&x&f&w&h&ausmif&u&ob; y&D&ae&u&y&ll&f, ifupri&D& armif&armif&at;w&h& (3)
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O&Oif (cjy -4) rSx&uq&mwof ODv&efwlpulobcsif upESH&qu&py&h&D ausmif&x&h&h&q&maxmif ODol[o&h
x&h&v&h&u&x&m; pO&uv&n&faumif/ offtohy&E&ll&ef av&h&u&x&m; r&v&w&h&v&f y&D&ic&bnif[k, iftay;
p&yp&f&rm; r&h ODupri&ESH O&o&ef ODw&h&S wri&ft&jyp&h&n&h&ob&g (p&yp&h&ci&fom jzpa=umif/ , iftaejizh
&y&h&h&t&w&f at; cr&fom, ma&; ysufym; atmif&aqmi&C&u&h&ry&ga=umif jzih x&c&x&uq&lon?

Ojri&h (cjy -5) rS x&uq&mwof ODv&efwlpulobcsif tv&vly&h&mwof t&v&u&z&ob&h&up& orfwu&ll&a&;
up&rv&wLf r&v&aq&f&aejizh u&h&aqmu&C&ay; c&h&ifom&jzpa=umif Ou&O&a&t&mif&e&fh& to&h&up

upPt m; 0Dv&Eft Sofn;a&mu&ajmq&mwGf , ifvLuygph bmrDih&mu&ajmq&h;ciif r&h=umif , ifw& taejzih&wemo&yh&ausnif&ofw&ef ub&qmit&h&onht w&uf r&sv&wrf "gvy&Lujcif om&y&ch a=umif&jzih&acs&L&uq&h&on?

O&hri&h&t;(c&h&y-6)r&S 0Dv&Eft v&E [e&fw&u&h&a&qmi&E&uf&P b&ef&u&a&usni&f&r&b&f&w&E&a&qmi&E&uf& c&f&h&r&L or&f&w&f&of&h&a&mu&fa&qmi&E&uf&E&a=umif&u&h&um;o&E&a=umif&jzih&x&mu&t&h&L&uq&h&on?

O&h&omi&f&pe&(c&h&y-7)r&S , if&oni 0Dv&Eft v&so&E&uf&E&f&{&n&f&on&f&sm;t&m;v&Luy&h&y;ch=umif&om x&L&uq&h&on?

a':t&le&fo&e&(c&h&y-8)r&S , if&oni , Et&r&r&S w&m;c&D&D&oi&. Ze&h&j&z&pa&=umif 0Dv&E&E&Sh q&mr a': , k& k&E&Sh pub&D&w&u&h&on&h up&E&Sh ^m%&vif&x&E&f&r&S u&h&t&mi&be&f&w&E&t&m; w&m;p&E&L&mw&Gf u&h&ri&E&h / 0Dv&E&f O&h&r&pe&f O&D&oi&E&S&h O&h&r&i&w&E&S&h y&u&b&u&f&r&h=umif&jzih&x&mu&t&h&L&uq&h&on?

^m%&vif&x&E&f&(c&h&y-9)r&S , if&u&bb&E&h [k& p&y&E&on&u&P&E&Sh y&w&u&f&h&y& O&h&t&mi&be&f&E&Sh p&ma&; u&bb&us&ni&v&h&S , if&t&m;v&u&b&D&E&Sh x&h&on&u&P&E&Sh , if&t&art&m;q&q&h&on&h up&P&t w&uf O&h&t&mi&be&f&w&E&t&m; &p&ce&f&w&f&w&f&E&sa&E&z&E&h=umif&jzih&x&mu&t&h&L&uq&h&on?

O&h&a&O&w(c&h&y-10)r&S x&L&uq&L&mw&Gf , if&oni 0Dv&E&f t&v&so&E&h;a&mu&E&M&y &e&uf&E&f&S{&n&f&on&f& r&sm;E&Sh [o&h&w&r&S u&h&ri&E&h&L&w&mon&u&h&aw&E&a=umif x&L&uq&h&on;on?

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O&h&D&E&h(c&h&y-13)r&S x&L&uq&L&mw&Gf 0Dv&E&ft v&E n&t&y&h&e&ch=umif 18/ 4/ 2007ae&v&f&of&f&w&uf on&u&P&t&m; a&or&f&w&E&fa&qmi&E&uf&on&f [k&um;o&E&a=umif x&L&uq&h&on?

O&h&wi&armi&D&(c&h&y-14)r&S 17/ 4/ 2007 ae&v&f O&h&ri&h&t;/ O&h&armi&armi&h&v;/ u&h O&h&un&E&Sh , if&w&E(4)O&D &e&uf&E&f&S [o&h&wo&E&v&e&t&c&f&ht a&;u&mu&G& h&E&j&r&i&h&vi&h&; t&p&D&t&p&O&f&t &a&mu&E&E&h=umif t&w&y&E&h&o&E&nae(4)em&E&h&us&n&ce&fa&mu&E&D& a':t&le&fo&e&f t&f&w&E&h&E&e&f/ n&p&mp&m;um t&v&S&t&f&z&pa&om 0Dv&E&ft&f&w&f&int&y&f&ch=umif x&L&uq&h&on?

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tr&e

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505(c)tm; us;v&ch&ojzih tv&y&E&h&x&mi(2-E&E)(E&E-E&E) us&h&p&e&E&h jzprq&ll&m Oya'ykr
505(*)tm; us;v&ch&ojzih tv&y&E&h&x&mi(2-E&E)(E&E-E&E) us&h&p?

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(tb) O&jr&pe&f. om; O&oi&f/ (tb) O&o&ef&atmif. om; u&tr&iv&ll&onfjprq&ll&m Oya'ykr 505(c)
us;v&ch&u&ojzih tv&y&E&h&x&mi(2-E&E)(E&E-E&E) us&h&p&e&E&h jprq&ll&m Oya'ykr 505(*)tm;
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w&m;clm;onftxuyjpr %f&m;tm; o&h&cm;pd&us&h&p?
tq&yg&x&mi %f&m;r&sc&y&u&&u x&w&E&w&f&cm;ap &r&n?

y&ll>>>>>>
atmifif(w/1693)
B.A (Law) L.L.B
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