

ITEM NO.1+38+51

COURT NO.5

SECTION X

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

Writ Petition(s) (Criminal) No(s). 184/2014

SUBRAMANIAN SWAMY

Petitioner(s)

VERSUS

UNION OF INDIA, MIN. OF LAW & ORS.

Respondent(s)

WITH

W.P.(Crl.) No. 8/2015

(With appln.(s) for stay and Office Report)

W.P.(Crl.) No. 19/2015

(With appln.(s) for vacating stay and appln.(s) for stay and Office Report)

T.P.(Crl.) No. 102-105/2015

(With appln.(s) for stay and Office Report)

T.P.(Crl.) No. 94-101/2015

(With appln.(s) for stay and Office Report)

W.P.(Crl.) No. 56/2015

(With appln.(s) for stay and Office Report)

W.P.(Crl.) No. 64/2015

(With appln.(s) for stay and Office Report)

W.P.(C) No. 218/2015

(With appln.(s) for stay and Office Report)

W.P.(Crl.) No. 62/2015

(With appln.(s) for vacating stay and appln.(s) for permission to bring additional facts and documents on record and appln.(s) for ex-parte stay and Office Report)

W.P.(Crl.) No. 63/2015

(With appln.(s) for stay and Office Report)

SLP(Crl) No. 2295/2015

(With appln.(s) for exemption from filing O.T. and appln.(s) for c/delay in refiling SLP and Interim Relief and Office Report)

W.P.(Crl.) No. 67/2015

(With appln.(s) for exemption from filing O.T. and appln.(s) for ex-parte stay and Office Report)

W.P.(Crl.) No. 79/2015

(With appln.(s) for ad-interim ex-parte stay and Office Report)

W.P.(Crl.) No. 73/2015

(With appln.(s) for interim stay and Office Report)

W.P.(Crl.) No. 82/2015

(With Office Report)

W.P.(Crl.) No. 80/2015

(With appln.(s) for ex-parte stay and Office Report)

W.P.(Crl.) No. 77/2015

(With appln.(s) for stay and Office Report)

W.P.(Crl.) No. 91/2015

(With appln.(s) for stay and Office Report)

W.P.(Crl.) No. 98/2015

(With appln.(s) for stay and Office Report)

SLP (Crl) No.3749/2015

(With appln.(s) for bringing subsequent events on record and filing addl. Documents and exemption from filing C/C of the impugned judgment and exemption from filing O.T. and office report)

W.P. (Crl.) No.96/2015

(With appln.(s) for Ex-Parte Stay and office report)

Date : 08/07/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

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W.P. 62/15

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W.P. 79/15

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 Mr. Santhosh Krishnan, AOR
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 Mr. Mansoor Ali, Adv.

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 Mr. Mahesh K. Vargish, Adv.

For Respondent(s)

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 Ms. Puja Sharma, Adv.
 Mr. Balwinder Singh Suri, Adv.

Ms. Madhavi Divan, Adv.
 Ms. Madhavi Divan, Adv.

Mr. R. Gopalakrishnan, Adv.

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

Mr. Mukul Rohtagi, learned Attorney General for India and Mr. P.S. Narsimha, learned Additional Solicitor General appearing for the Union of India, pray for three days time to file the counter affidavit. As undertaken, the counter affidavit shall be filed by 11.07.2015.

Learned counsel for the State of Tamil Nadu shall also file the counter affidavit by that date.

Dr. Subramanian Swamy, petitioner-in-person submitted that there is no need for filing the rejoinder affidavit. We are also of the considered opinion that there is no necessity for filing any rejoinder affidavit in any case as this Court will be addressing only with regard to the constitutional validity of Sections 499 and 500 of the Indian Penal Code, 1860

At this juncture, it is submitted by Mr. Rohtagi, learned Attorney General for India, that the matter should be referred to the Constitution Bench, regard being had to the issue, i.e., Article 19(2) of the Constitution, falls for consideration in this matter. Mr. Andhyarujina, learned Amicus Curiae, has supported the view and perception of the learned Attorney General. In our considered opinion, the said facet shall be addressed to and dealt with while dealing with the merits of the case.

Be it noted, in the writ petition, a contention has been raised that in number of countries, criminal defamation has been abolished. The question, thus, emerges whether abolition of such a criminal action in other countries can really have any impact or effect when this Court adjudges or decides the constitutional validity of a statutory provision, regard being had to our written, controlled and organic Constitution.

Mr. Rohtagi, learned Attorney General for India, has submitted that he will be in a position to argue the matter on 14.07.2015. Let the matter be listed on 14.07.2015

All other matters be listed on that day. Learned counsel for the parties in each case shall file their propositions of law they intend to advance in course of their arguments.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master