

ITEM NO.23

COURT NO.4

SECTION II-C

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 2041/2023

(Arising out of impugned final judgment and order dated 14-08-2019 in CRLOP(MD) No. 1090/2017 passed by the High Court Of Judicature At Madras At Madurai)

C.V.K.BALAKRISHNAN & ANR.

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.18173/2023-CONDONATION OF DELAY IN FILING and IA No.18172/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.18168/2023-EXEMPTION FROM FILING O.T.)

Date : 03-02-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. R. Basant, Sr. Adv.
Mr. A Velan, AOR
Mr. Niranjana S Kumar, Adv.
Ms. Navpreet Kaur, Adv.
Mr. Aditya Raj Singh, Adv.
Mr. Mritunjay Pathak, Adv.

For Respondent(s)

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

Mr.R.Basant, learned Senior Advocate, appearing for the petitioners has vehemently submitted that the Hon'ble High Court has refused to exercise the powers under Section 482 Cr.P.C. and has dismissed the application under Section 482 Cr.P.C. solely on the ground that the discharge application is pending. It is submitted that the Hon'ble High Court has not at all considered the merits of the case. It is submitted that the view taken by the Hon'ble High Court is just contrary to the decision of this Court

in the case of Anand Kumar Mohatta and Another vs. State (NCT of Delhi), Department of Home and Another, (2019) 11 SCC 706 (para 16).

Delay condoned.

Issue notice to show cause why the matter may not be remanded to the High Court to consider the application under Section 482 Cr.P.C. afresh in accordance with law and on its own merits, returnable on 03.03.2023.

Dasti, in addition, is permitted.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR