

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CRIMINAL) NO(S). _____ OF 2024
(ARISING OUT OF SLP(CRIMINAL) DIARY NO.3245/OF 2024)

THIRU. K.K.S.S.R. RAMACHANDRAN

Petitioner(s)

VERSUS

STATE REP. BY: THE ADDITIONAL
SUPERINTENDENT OF POLICE & ORS.

Respondent(s)

O R D E R

Delay condoned.

2. Heard Dr. A. M. Singhvi and Mr. Siddharth Luthra, learned Senior Counsel appearing for the petitioner(s). Also heard Mr. Rakesh Dwivedi, learned Senior Counsel along with Mr. Gautam Narayan, counsel appearing for the High Court of Madras.

3. When this case was last listed on 29.01.2024, the following order was passed:-

"The petitioners are represented by Dr. A.M. Singhvi, Mr. Siddharth Luthra and Mr. Ravindra Shrivastava, learned Senior Counsel.

2. The counsel would assail the suo motu jurisdiction in the Crl. R. C. NO.1480 of 2023 exercised by the learned Single Judge of the Madras High Court on the ground that the learned Judge did not secure the prior approval of the Chief Justice of the High Court for exercise of suo motu jurisdiction, in the revisional proceeding.

3. The senior counsel would refer to the Report of the Criminal Rules Committee on Special Courts For Trial of

Criminal Cases involving MP/MLAs and more particularly the Rule xiv thereof. It is thus contended that without assignment of the case by Hon'ble Chief Justice of the High Court, the learned Judge could not have exercised suo motu jurisdiction in respect of the discharge order passed by the learned Special Judge on 20.07.2023 favouring the accused.

4. The relevant Rule xiv is extracted as hereunder:-

"xiv. If any quash application or revision against discharge is admitted by a Single Judge of the High Court, whether on the petition filed by the MP/MLA or by a co-accused in that case, the Principal District Judge should inform the same to the Administrative Committee, which in turn shall bring the matter to the knowledge of the Hon'ble Chief Justice. The Hon'ble Chief Justice being the Master of the Roster, may thereafter assign the case to his own board or to any other Division Bench for disposal."

5. Since the counsel has also referred to Rules of the High Court, Madras, Appellate Side, 1965 to challenge the jurisdiction of the learned Judge, a report be called from the Registrar General of the Madras High Court. The report should indicate whether prior approval of the Hon'ble Chief Justice of Madras High Court was taken for exercise of suo motu jurisdiction in proceeding with the Crl. R.C. No.1480 of 2023. The report be furnished on or before 5th February 2024. This order be communicated immediately by the Registry.

6. List the matter on 5th February 2024."

4. Since then, the Report dated 02.02.2024 of the Registrar General of the Madras High Court is filed, where the following is reflected:-

"3. In view of the Judicial Order passed by the Hon'ble Single Judge of High Court, Madras, vide Order dated 21.08.2023, it is most humbly submitted that prior approval of the Hon'ble The Chief Justice of Madras High Court for exercising Suo Motu Jurisdiction in proceeding with the Crl. R.C.No.1480 of 2023 was not taken. The file noting 'seen' was made by the Hon'ble The Chief Justice after Hon'ble Single Judge exercised his Suo Motu

jurisdiction."

5. Mr. Dwivedi, learned Senior Counsel representing the High Court would submit that the Rule xiv as quoted above would come into the play only in a situation when a Revision application against discharge is admitted by the Single Judge of the High Court.

6. The proceedings dated 05.04.2022 in *Suo Motu* W.P. (MD) No.5237 of 2022 is perused and it would appear that the same would apply only in case of *Suo Motu* exercise of jurisdiction, in Public Interest Litigation.

7. However, Dr. Singhvi would argue that the Chief Justice, being the Master of the Roster, the assignment of the Roster for the concerned case should emanate from the Office of the Chief Justice.

8. In the matter in hand, the learned Judge could have directed the Registry to obtain orders of the Chief Justice of the High Court to number the *Suo Motu* case but instead direction was issued to the Registry to allot the *Suo Motu* revision number to the case being handled by the learned Judge.

9. Following the above direction issued to the Registry, the file was put up before the Chief Justice and as can be noticed from the Chief Justice's endorsement made on 21.08.2023, the matter was seen by the Chief Justice only after the learned judge passed his order on the same day i.e., 21.08.2023.

10. In the present proceedings, we are not concerned with the merit of the observation made by the learned Judge on the discharge

order passed by the learned Principal Sessions Judge, Virudhunagar District at Srivilluputhur in the Special Sessions Case No. 19/2019. The merit of the matter will have to be considered by the learned Judge of the High Court. However, the registration of the case could have been handled better with the prior approval of the Chief Justice.

11. We have considered the submission made by Mr. Rakesh Dwivedi, the learned Senior Counsel appearing for the High Court. Due weightage must be given to protect the purity of the judicial process, particularly when departure from the usual process of assignment of case by the Chief Justice is noticed. As is rightly said, justice should not only be done but seen to have been done. The fairness and the transparency in the functioning of the courts must be discernible to all stakeholders in the justice delivery system.

12. In light of the above, it is deemed appropriate to request the Chief Justice of the Madras High Court to decide which court should handle the *Suo Motu Crl. R.C. No.1480 of 2023*. The Chief Justice may either take up the matter in his own court or he may assign it to another bench of the High Court, as considered appropriate in his capacity as the master of the roster. Thereafter, the adjudication of the *Suo Motu Crl. R.C.No. 1480 of 2023* may proceed before the assigned bench. It is ordered accordingly.

13. The above order should not be construed as adverse comments on the handling of the *Suo Motu Crl. R.C. No. 1480 of 2023* and the

SPECIAL LEAVE PETITION (CRIMINAL) NO(S). _____ OF 2024
(ARISING OUT OF SLP(CRIMINAL) DIARY NO.3245/OF 2024)

same is expected to be decided on its own merit.

14. Pending application(s), if any, stand closed.

SPECIAL LEAVE PETITION (CRIMINAL) NO(S). _____ OF 2024
(ARISING OUT OF SLP(CRIMINAL) DIARY NO(S). 3310/2024 (ITEM NO.35)

SPECIAL LEAVE PETITION (CRIMINAL) NO(S). _____ OF 2024
(ARISING OUT OF SLP(CRIMINAL) DIARY NO(S). 3291/2024 (ITEM NO.73)

SPECIAL LEAVE PETITION (CRIMINAL) NO(S). _____ OF 2024
(ARISING OUT OF SLP(CRIMINAL) DIARY NO(S).3329/2024 (ITEM NO.74)

Delay condoned.

2. Following the order passed today in the Special Leave Petition (Criminal) Diary No(s). 3245/2024, these matters are also disposed of with the same direction.

3. Pending application(s), if any, stand closed.

.....J.
[HRISHIKESH ROY]

.....J.
[PRASHANT KUMAR MISHRA]

NEW DELHI
FEBRUARY 05, 2024

ITEM NO.34+35+73+74

COURT NO.6

SECTION II-C

S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 3245/2024

(Arising out of impugned final judgment and order dated 23-08-2023 in SMCRLRC No. 1480/2023 08-01-2024 in SMCRLRC No. 1480/2023 passed by the High Court Of Judicature At Madras)

THIRU. K.K.S.S.R. RAMACHANDRAN

Petitioner(s)

VERSUS

STATE REP. BY: THE ADDITIONAL
 SUPERINTENDENT OF POLICE & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.18287/2024-CONDONATION OF DELAY IN FILING and IA No.18285/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP (CRIMINAL) Diary No(s). 3310/2024 (Item No.35)
 (IA No.19867/2024-CONDONATION OF DELAY IN FILING and IA No.19866/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP (CRIMINAL) Diary No(s). 3291/2024 (Item No.73)
 IA No.20110/2024-CONDONATION OF DELAY IN FILING and IA No.20109/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(CRIMINAL) Diary No(s).3329/2024
 IA No.22292/2024-CONDONATION OF DELAY IN FILING and IA No.22291/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 05-02-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
 HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Dr. A M Singhvi, Sr. Adv.
 Mr. N R Elango, Sr. Adv.
 Mr. G. Mariappan, Adv.
 Mr. Vivek Singh, AOR

Mr. Agilesh Kumar S, Adv.
Mr. Aswin Prasanna As, Adv.
Ms. Tanvi Anand, Adv.
Mr. Ritik Dwivedi, Adv.
Mr. Yash Johri, Adv.

SLP (CrI) Diary No(s).3310/2024

Mr. M Sathyanarayanan, Sr. Adv.
Mr. N R Elango, Sr. Adv.
Mr. G. Mariappan, Adv.
Mr. Vivek Singh, AOR
Ms. Tanvi Anand, Adv.
Mr. Agilesh Kumar S, Adv.
Mr. Aswin Prasanna As, Adv.
Mr. Ritik Dwivedi, Adv.

SLP (CRIMINAL) Diary No(s).3291/2024

Mr. Siddharth Luthra, Sr. Adv.
Mr. N.R. Elango, Sr. Adv.
Mr. G. Mariappan, Adv.
Ms. Devyani Gupta, AOR
Ms. Tanvi Anand, Adv.
Mr. Aswin Prasanna, Adv.
Mr. Kartikeye Dang, Adv.

SLP(CRIMINAL) Diary No(s).3329/2024

Dr. S. Muralidhar, Sr. Adv.
Mr. N.R Elango, Sr. Adv.
Mr. G. Mariappan, Adv.
Ms. Devyani Gupta, AOR
Ms. Tanvi Anand, Adv.
Mr. Aswin Prasanna, Adv.

For Respondent(s) Mr. Nachiketa Joshi, AOR
Mr. Pranit Pranav, Adv.
Mr. Santosh Kumar, Adv.

Mr. Gautam Narayan, AOR
Ms. Asmita Singh, Adv.
Mr. Harshit Goel, Adv.
Mr. Sujay Jain, Adv.
Mr. K. Vibhu Prasad, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

The Special Leave petitions are disposed of in terms of the

SPECIAL LEAVE PETITION (CRIMINAL) NO(S). OF 2024
(ARISING OUT OF SLP(CRIMINAL) DIARY NO.3245/OF 2024)

Signed Order.

Pending application(s), if any, stand closed.

SPECIAL LEAVE PETITION (CRIMINAL) NO(S). OF 2024
(ARISING OUT OF SLP(CRIMINAL) DIARY NO(S). 3310/2024 (ITEM NO.35)

SPECIAL LEAVE PETITION (CRIMINAL) NO(S). OF 2024
(ARISING OUT OF SLP(CRIMINAL) DIARY NO(S). 3291/2024 (ITEM NO.73)

SPECIAL LEAVE PETITION (CRIMINAL) NO(S). OF 2024
(ARISING OUT OF SLP(CRIMINAL) DIARY NO(S).3329/2024 (ITEM NO.74)

Delay condoned.

Following the order passed today in the Special Leave Petition (Criminal) Diary No(s). 3245/2024, these matters are also disposed of with the same direction.

Pending application(s), if any, stand closed.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR

(Signed order is placed on the File)