

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 1620 OF 2023

IN

CRIMINAL APPEAL NOS. 1675-1676 OF 2023

Y BALAJI

APPELLANT(S)/

VERSUS

THE STATE REPRESENTED BY COMMISSIONER  
OF POLICE & ORS.

RESPONDENT(S)/  
APPLICANT(S)

O R D E R

This is an application filed by the respondents that is, the State and its officers in Criminal Appeals, seeking enlargement of time granted by this court vide judgment and order dated 16<sup>th</sup> May, 2023. We reproduce the operative portion of the judgment dated 16<sup>th</sup> May 2023, as contained in paragraph 133 thereof:

"XXXXX

*133. The result of the entire discussion is summed up as follows:*

*(i) The appeals arising out of the order for de novo investigation are allowed. That portion of the order of the High Court dated 31.10.2022 passed in Criminal O.P. No. 15122 of 2021 is set aside. The directions issued in the said original petition for de novo investigation are set aside. The Investigation Officer shall proceed with further*

*investigation in all cases by including the offences under the PC Act. Any let up on the part of the Investigation Officer in this regard will pave the way for this Court to consider appointing a Special Investigation Team in future.*

*(ii) The appeals arising out of the order of the Division Bench of the High Court dated 01.09.2022 are allowed. The order dated 01.09.2022 is set aside. All the three writ petitions challenging the initiation of proceedings by ED shall stand dismissed.*

*(iii) The appeal arising out of the order of the High Court dated 30.03.2022 is dismissed.*

*(iv) The appeal challenging the orders dated 27.11.2019 and 01.11.2021 of the High Court relating to extension of time for completion of investigation is dismissed. The Investigation Officer shall proceed with further investigation and file Further/Final Reports within two months.*

*(v) The Contempt Petitions and I.A. No. 26257 of 2023 are dismissed.*

XXXXXXXXX"

A perusal of the above directions, indicate that two months' time was granted to the Investigation Officer to complete the investigation and file further/final reports.

According to Shri Jaideep Gupta, learned senior counsel appearing for the State of Tamil Nadu, there were five categories of appointments which were to be investigated

i.e. Junior Engineer, Assistant Engineer, Junior Tradesman, Driver and Conductor. He submits that with respect to Junior Engineer and Assistant Engineer, the investigation is complete and police report has already been submitted as required under Section 173(2) of CrPC, except for a few candidates in the Assistant Engineer category. He further submits that with regard to Junior Tradesman, Driver and Conductor, further investigation is in progress and considering the large number of candidates and applications, the State would require at least six months further time. He also tried to incorporate in the directions that the Investigation Officer would also need sanction from the State under Section 197 of CrPC or Section 19 of the PC Act as the offences under the PC Act have to be incorporated, as per the directions issued by this Court.

On the other hand, learned counsel appearing for the Original Appellants have objected to the grant of time. According to them, time has come that this Court may appoint a Special Investigation Team as recorded in paragraph 133 (i), because the State failed to ensure compliance within the time allowed by this Court. According to them, there have been deliberate slackness on the part of the Investigation Agency to complete the investigation and submit the report and, therefore, a Special Investigation Team needs to be constituted. They further submitted that with respect to the other categories where the investigations have been concluded viz. Junior Engineer and

Assistant Engineer not only the final reports have been submitted but also sanction has been obtained. It is further submitted that the only effort on the part of the State is to delay the investigation/trial.

In any case, it is submitted that six months' time is too excessive and if this Court feels that any reasonable time may be granted, the Court may fix the same accordingly.

We had expressed our displeasure to Shri Gupta, learned senior counsel asking for six months' time, which is totally unreasonable, inasmuch as in the original order itself this Court granted two months' time. Any further extension of time cannot be more than the period fixed in the original order passed by this Court.

Upon instructions, Shri Gupta, learned senior counsel has stated that as an outer limit, two months' further time may be granted within which the Investigation Agency will ensure full compliance of the directions issued by this Court, as contained in paragraph 133 of the judgment dated 16<sup>th</sup> May, 2023.

Considering the facts and circumstances of the case and the submissions advanced by the learned senior counsel, we grant one more opportunity by extending the time till 30<sup>th</sup> September, 2023.

It is made clear that no further application for extension of time would be entertained and in the event, the above mentioned directions are not complied with, the same may be brought to the notice of this Court and in that case

the Special Investigation Team would be constituted.

The Miscellaneous application stands disposed of as above.

.....J  
(VIKRAM NATH )

.....J  
(AHSANUDDIN AMANULLAH)

NEW DELHI;  
AUGUST 08, 2023

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

Miscellaneous Application No. 1620/2023 in CrI.A. No. 1675-1676/2023

(Arising out of impugned final judgment and order dated 16-05-2023 in CrI.A. No. No. 1676/2023 passed by the Supreme Court Of India)

Y BALAJI

Petitioner(s)

VERSUS

THE STATE REPRESENTED BY COMMISSIONER OF POLICE

Respondent(s)/  
Applicant(s)

(FOR ADMISSION and IA No.137676/2023-EXTENSION OF TIME )

Date : 08-08-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE VIKRAM NATH

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Parties

Mr. Jaideep Gupta, Sr. Adv.  
Mr. V. Krishnamurthy, Sr. Adv., A.A.G.  
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Ms. Vaidehi Rastogi, Adv.  
Ms. Richa Vishwakarma, Adv.

Mr. Balaji Srinivasan, AOR  
Mr. Shive Krishnamurti, Adv.  
Mr. Devansh Behl, Adv.  
Mr. Rohan Dewan, Adv.  
Ms. Aakriti Priya, Adv.  
Mr./Ms. Lakshmi Rao, Adv.  
Mr. Prashant Bhushan, Adv.  
Mr. N. Subramaniam, Adv.  
Mr. Pranav Sachdeva, AOR  
Mr. Jatin Bhardwaj, Adv.  
Ms. Aakriti, Adv.

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

The Miscellaneous application and pending  
application stand disposed of in terms of the signed  
order.

(SONIA BHASIN)  
COURT MASTER (SH)

(RANJANA SHAILEY)  
COURT MASTER (NSH)

[Signed Order is placed on the file]