

ITEM NO.36+37

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 3310/2024

(IA No.19867/2024-CONDONATION OF DELAY IN FILING and IA No.19866/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 29-01-2024 These petitions were 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. Siddharth Luthra, Sr. Adv.
Mr. N R Elango, Sr. Adv.
Mr. G. Mariappan, Adv.
Mr. Vivek Singh, AOR
Ms. Tanvi Anand, Adv.
Mr. Yash Johri, Adv.
Mr. Kartikeye Dang, Adv.
Mr. Rudraditya Khare, Adv.
Mr. Sahir Seth, Adv.
Mr. Arjun Varma, Adv.
Mr. Ritik Dwivedi, Adv.**

**Mr. Ravindra Shrivastava, Sr. Adv.
Mr. N R Elango, Sr. Adv.
Mr. G. Mariappan, Adv.
Mr. Vivek Singh, AOR**

Ms. Tanvi Anand, Adv.
Mr. Ieeshan Sharma, Adv.
Ms. Sukriti Chauhan, Adv.
Ms. Devangna Singh, Adv.
Ms. Sanya Shukla, Adv.
Mr. Aniket S Das, Adv.
Mr. Ritik Dwivedi, Adv.

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

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

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 CrI. 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 sou 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 sou 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 sou 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.

[DEEPAK JOSHI]
COURT MASTER

[KAMLESH RAWAT]
ASSISTANT REGISTRAR