

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

Petition(s) for Special Leave to Appeal (Crl.) No(s).8674/2024

(Arising out of impugned final judgment and order dated 06-06-2024 in CRLP No.12574/2024 passed by the High Court Of Judicature At Madras)

STATE REP. BY THE DEPUTY SUPERINTENDENT
OF POLICE, CBCID

Petitioner(s)

VERSUS

KESAVA VINAYAGAM & ANR.

Respondent(s)

(IA No.142395/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 20-09-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Sabarish Subramanian, AOR
Ms. Aparajita, Adv.
Mr. C. Kranthi Kumar, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. Sarathraj B, Adv.
Mr. Danish Saifi, Adv.

For Respondent(s) Mr. K. Parameshwar, Sr. Adv.
Mr. R.C. Paul Kanagaraj, Adv.
Mr. Karuppaiah Meyyappan, Adv.
Mr. Raghunatha Sethupathy B, AOR
Mrs. Kanika Kalaiyarasan, Adv.
Mr. S. Sabari Bala Pandian, Adv.
Mr. Abhishek Kalaiyarasan, Adv.
Ms. Pariksha, Adv.
Mr. Shreeharee Jeganmohan, Adv.

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

1. Having heard learned senior counsel for the parties and with a view to balance the rights of the Investigating Agency as well as that of the first respondent, the last sentence of paragraph 8 of

the impugned order of the High Court dated 06.06.2024 to the extent it says that "even if it is so, State can be done it only after obtaining permission by placing the material before this Court why the petitioner be summoned", is set aside.

2. Instead, it is directed that the Investigating Officer will be obligated to issue an advance notice of one week to respondent no.1 for joining further investigation. Such a notice may be sent either through a WhatsApp message on the mobile phone of respondent no.1 or may be delivered to him or his family members at his residence.

3. Pursuant to such notice, respondent no.1 will be at liberty to join further investigation and/or to challenge that notice in accordance with law.

4. It goes without saying that the offences attributed to respondent no.1 being non-cognizable, he cannot be arrested in the subject-FIR.

5. The special leave petition is, accordingly, disposed of.

6. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR