

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.4166 OF 2024
(Arising out of S.L.P.(Criminal) No.9492 of 2018)

STATE THROUGH THE INSPECTOR OF
POLICE CBI, ACB, CHENNAI

... APPELLANT(S)

VS.

S. MURALI MOHAN & ANR.

... RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned senior counsel appearing for the parties.

By the impugned judgment, First Information Report registered against the respondents has been quashed and the assets seized including the freezed bank accounts of the respondents have been ordered to be released forthwith. The contention raised by the learned senior counsel appearing for the appellants is that on 15th May, 2017, only one line order was pronounced by the learned Single Judge of the High Court of Judicature at Madras. However, a detailed judgment running into seventy three pages was not delivered. The learned Judge demitted the office on 26th May, 2017.

The case made out by the learned senior counsel appearing for the appellant is that the impugned judgment was not available till 26th May, 2017 and even thereafter. The certified copy of the impugned judgment was furnished to the appellant on 26th July, 2017.

By our order dated 3rd September, 2024, we issued the following directions:

"7. We, therefore, direct the Registrar General of the High Court of Judicature at Madras at Chennai to furnish following information:

(a) What is the date on which the detailed judgment/order dated 15th May, 2017 was received by the Registry from the Office/Chamber of the learned Single Judge;

(b) When the detailed judgment/order was uploaded on the website of the High Court; and

(c) Whether there was any administrative direction issued by the Hon'ble Chief Justice of the Madras High Court at Chennai for de novo hearing of 09 cases heard by the learned Single Judge and, if such a direction was issued, whether the case subject-matter of this Special Leave Petition has been included in the list of 09 cases."

Accordingly, a report has been submitted by the Registrar General of the High Court of Judicature at Madras in which he has stated that the case bundle along with the detailed judgment dated 15th May, 2017 was

received by the Personal Assistant Section on 17th July, 2017 and was sent for uploading on 18th July, 2017 which was actually uploaded on 20th July, 2017. A report of Joint Registrar of the Personal Assistant Section is enclosed along with the report. It is also stated in the report that this case is not out of the nine cases which were ordered to be heard *de-novo* by the Hon'ble Chief Justice of the High Court of Judicature at Madras. There is nothing on record to show that the judgment was signed on or before 26th May, 2017.

Faced with this situation, as a matter of propriety, we have no option but to set aside impugned judgment dated 15th May, 2017 and restore Criminal O.P.No.2245 of 2017 to the file of the High Court. We direct that the restored petition shall be listed before the roster Bench on 21st October, 2024 in the morning. The appellant and the respondents shall remain present on that day before the roster Bench and no further notice shall be issued to them. On that day, the learned judge will fix a date for final hearing of the petition, considering the fact that it is of the year 2017.

If there was any interim relief operative till 15th May, 2017 in the restored petition, the same interim relief will continue to operate till the disposal of the restored petition.

We make it clear that we have made no adjudication on the merits of the controversy and all questions are left open to be decided by the High Court.

A copy of this order shall be forwarded by the Registry to the Registrar (Judicial) of the High Court of Judicature at Madras who will ensure that the restored petition is listed as directed above.

As the restored petition is of the year 2017, it will be open for both the parties to place on record the subsequent events on the date fixed for appearance.

The report shall be resealed and kept on record.

The appeal is partly allowed on the above terms.

.....J.
(ABHAY S.OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
October 01, 2024.

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 9492/2018

(Arising out of impugned final judgment and order dated 15-05-2017 in CRLOP No. 2245/2017 passed by the High Court of Judicature at Madras at Chennai)

STATE THROUGH THE INSPECTOR OF POLICE CBI/ACB/CHENNAI Petitioner(s)

VERSUS

S. MURALI MOHAN & ANR.

Respondent(s)

([TO BE TAKEN UP AT THE TOP OF THE CAUSE LIST])

Date : 01-10-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s)

Mr. Nachiketa Joshi, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Mrs. Swati Ghildiyal, Adv.
Ms. Satvika Thakur, Adv.
Mr. Praneet Pranav, Adv.

For Respondent(s)

Mr. Siddharth Luthra, Sr. Adv.
Mr. Shri Singh, Adv.
Ms. Surabhi Vaya, Adv.
Ms. Arunima Nair, Adv.
Mr. Satya Sai Sumanth, Adv.
Mr. Ayush Agarwal, Adv.
Mr. Karl P Rustomkhan, Adv.
Mr. Suhail Ahmed, Adv.
Mr. Rajat Singh, AOR
Mr. Sarthak Chandra, Adv.

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

Leave granted.

The appeal is partly allowed in terms of the signed
order.

Pending application, if any, also stands disposed of

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)