

&!ITEM NO.1

COURT NO.5

SECTION IIA

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 (Crl) No(s).7951/2008

(From the judgement and order dated 18/03/2008 in CRLA No.1166/
2000 of the HIGH COURT OF MADRAS)

ARULMANI & ANR.

Petitioner(s)

VERSUS

STATE TR.INSP.OF POLICE

Respondent(s)

(With appln(s) for permission to file additional documents and
office report)

(FOR FINAL DISPOSAL)

WITH

SLP(Crl) NO.3275 of 2009

(With application for exemption from filing O.T.)

Date: 27/10/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. K.B. Sinha,Sr.Adv.

(in SLP(C)7951/08) Mr. P.V. Yogeswaran,Adv.

Dr. R.N. Upadhya,Adv.

(in SLP(C)3275/08) Mr. S. Gowthaman,Adv.

Mr. A. Venayagam Balan,Adv.

For Respondent(s) Mr. R. Shunmugasundaram,Sr.Adv.

Ms. Promila,Adv.

Mr. S. Thananjayan,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The impugned judgment is set aside, the matters
are remitted to the Madurai Bench of the High Court and
the appeals are disposed of in terms of the signed order.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1957 OF 2009
(Arising out of SLP(Crl.) No. 7951/2008)

ARULMANI AND ANR.

APPELLANT(S)

:VERSUS:

STATE THROUGH INSPECTOR OF POLICE

RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. 1958 OF 2009
(Arising out of SLP(Crl.) No. 3275/2009)

SASIRKAUMAR

APPELLANT(S)

:VERSUS:

STATE THROUGH INSPECTOR OF POLICE

RESPONDENT(S)

O R D E R

Leave granted.

These cases were transferred from the High Court of Madras to the Madurai Bench of the Madras High Court.

Learned senior counsel appearing on behalf of Appellants has drawn our attention to Annexure P-3 at Page 130 of the SLP Paper Book in which it is mentioned that at the request of the parties, the matter was adjourned to 26.3.2008. It is submitted by the learned counsel for the appellant that though the hearing of the case was adjourned to 26.3.2008, but the matter was somehow finally heard on 17.3.2008 and the Madurai Bench of the Madras High Court passed the impugned order on 18.3.2008.

-2-

Learned counsel for the appellant submits that the hearing of the case was preponed without notice to the appellant or his counsel. There is no satisfactory reply to this frontal allegation by the respondent(s).

In this view of the matter, in consonance with the principles of natural justice, we are constrained to set aside the order dated 18.3.2008 passed by the Madurai Bench of the Madras High Court, remit the matters to the Madurai Bench of the High Court and direct that the criminal appeals be listed for hearing after giving notice to the parties.

It is stated that the appellants are in jail for a long period. In this view of the matter, we request the Madurai Bench of the Madras High Court to dispose of the criminal appeals as expeditiously as possible.

These appeals are accordingly disposed of.

.....J
(DALVEER BHANDARI)

.....J
(H.L. DATTU)

New Delhi;
October 27, 2009.