

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

Miscellaneous Application No. 2454/2024 in CrI.A. No. 4011/2024

K. VIDHYA KUMAR

Petitioner(s)

VERSUS

THE DEPUTY DIRECTOR & ORS.

Respondent(s)

(FOR ADMISSION

IA No. 239663/2024 - APPLICATION FOR PERMISSION

IA No. 239661/2024 - INTERVENTION/IMPLEADMENT

IA No. 239631/2024 - RECALLING THE COURTS ORDER)

Date : 24-03-2025 This matter 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. Pranav Sachdeva, Adv.
Mr. Jatin Bhardwaj, Adv.
Ms. Neha Rathi, AOR
Mr. Shourya Dasgupta, Adv.
Ms. Shreya Nair, Adv.
Mr. Ashwin K., Adv.

For Respondent(s) :

Mr. Satya Darshi Sanjay, A.S.G.
Mr. Kanu Agrawal, Adv.
Mr. Zoheb Hussian, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Merusagar Samantaray, Adv.
Ms. Sansriti Pathak, Adv.
Mr. Balaji Srinivas, Adv.
Mr. Arvind Kumar Sharma, AOR
Ms. Sweety Chauhan, Adv.
Ms. Akshita Gupta, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Kapil Sibal, Sr. Adv.
Mr. N R Elango, Sr. Adv.
Mr. Aditya Sondhi, Sr. Adv.
Dr. Ram Sankar, Adv.
Mr. N Bharanikumar, Adv.
Mr. Bharat Monga, Adv.
Mr. Ayush Kashyap, Adv.

Mr. Agilesh Kumar, Adv.
Mr. G Jai Singh, Adv.
Mr. Muthu Ganesa Pandian, Adv.
Mrs. Harini Ramsankar, Adv.
For M/S. Ram Sankar & Co, AOR

Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Chandra Uday Singh, Sr. Adv.
Mr. Amit Anand Tiwari, Sr. A.A.G.
Mr. Sabarish Subramanian, AOR
Ms. Devyani Gupta, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. Tanvi Anand, Adv.
Mr. Viddusshi Shandiyaa, Adv.
Mr. Danish Saifi, Adv.
Mr. Pranjal Mishra, Adv.

Mr. Balaji Srinivasan, AOR
Mr. Vishwaditya Sharma, Adv.

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

By this Court's order dated 8th November, 2024 upon being mentioned, this application was ordered to be listed on 2nd December, 2024. On 2nd December, 2024, two senior counsel represented the second respondent and this Court passed the following order:

"The prayer made in IA No. 239631/2024 is for recalling of the judgment and order dated 26th September, 2024.

After having heard the learned counsel appearing for the applicant and after perusing our own judgment, we reiterate the law laid down in the said decision.

The present application is based on apprehension. The apprehension is based on the fact that immediately after we enlarged the second respondent on bail by the judgment and order dated 26th September, 2024, the second respondent has been appointed as a Cabinet

Minister of the State. The apprehension is that considering the seriousness of the allegations against the second respondent in the predicate offences, the witnesses may not be in the frame of mind to depose against the second respondent who is now holding the position of a Cabinet Minister. This is the only aspect on which, *prima facie*, we are inclined to consider the application. We make it clear that as there is no reason to interfere with the view taken on merits in the order dated 26th September, 2024, the adjudication of this application shall remain confined to the aforesaid aspect only.

Today, we are not issuing notice, as the learned senior counsel appearing for the second respondent seeks time to take instructions.

On the request of the learned senior counsel appearing for the second respondent, list on 13th December, 2024."

Even on 13th December, 2024, the second respondent was represented by a senior counsel. On 20th December, 2024, again the second respondent was represented by more than one senior counsel.

On 12th February, 2025, the following order was passed:

"The learned senior counsel representing the second respondent seeks time to take instructions from the second respondent. The learned Solicitor General appearing for the first respondent submits that this Court should specify on what aspect the learned senior counsel appearing for the second respondent is supposed

to take instructions. As the learned senior counsel appearing for the second respondent is fully aware on what aspect he is supposed to take instructions, it is not necessary to record it.

To be listed on 4th March, 2025 at 3.30 p.m.”

On 12th February, 2025, the second respondent was represented by more than one senior counsel.

We are shocked to know that today the learned senior counsel appearing on behalf of the second respondent raises a contention that a formal notice has not been issued in this matter. Such hyper technical contention should not have been raised. Notice is issued by the Court for facilitating presence of a party before the Court. The second respondent was all along represented by senior advocates. By this time, the second respondent could have obviously kept its reply/counter ready. Though such unfair stand is taken by the second respondent, we cannot be unfair to the second respondent. Hence, we grant time of 10 days to the second respondent to file a reply/counter affidavit. No further time shall be granted.

To be listed on 9th April, 2025 at 2.00 p.m.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER