

ITEM NO.301

COURT NO.9

SECTION II-C

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 SSPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 55057/2024

[Arising out of impugned final judgment and order dated 29-09-2023 in CRLA No. 653/2011 passed by the High Court of Judicature at Madras]

N. ESWARANATHAN

Petitioner(s)

VERSUS

STATE REPRESENTED BY THE DEPUTY
SUPERINTENDENT OF POLICE

Respondent(s)

IA No. 40366/2025 - CONDONATION OF DELAY IN FILING, IA No. 40370/2025 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS, IA No. 40361/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 40358/2025 - EXEMPTION FROM FILING O.T. AND IA No. 40369/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 01-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) : Mr. P. Soma Sundaram, AOR
Mr. S. Muthukrishnan

For Respondent(s) : Mrs. Archana Pathak Dave, A.S.G.
Mr. Mukesh Kumar Maroria, AOR

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

1. Pursuant to the Order passed by this Court on 28.03.2025, learned AOR, Mr. P. Soma Sundaram and learned counsel, Mr. S. Muthukrishnan, are present in the Court along with the travel tickets (as they say) and tender an unconditional apology before this Court with regard to the incorrect statements made in the SLP.

2. When we partly dictated the order, the representatives of Supreme Court Bar Association (SCBA) and the Supreme Court Advocates-on-Record Association (SCAORA), who were already present in the Court along with some senior advocates, requested the Court to hold back the order dictated, and further requested to simply give the concerned advocates, without recording the facts and the observations, an opportunity to explain on affidavit, the circumstances under which the second SLP has been filed.

3. With due reference to the said request made at this juncture, we simply call upon the petitioner-N. ESWARANATHAN and his advocates, Mr. P. Soma Sundaram and learned counsel, Mr. S. Muthukrishnan, to explain as to under what circumstances, the second SLP that is the present one was filed on the distorted facts and incorrect statements, after the dismissal of the first SLP, and why the application seeking exemption from surrendering was filed in this SLP though, in the earlier SLP, it was specifically directed by this Court that the petitioner shall surrender within two weeks.

4. Let the affidavits be filed within one week from today i.e. before 08.04.2025 in the Office. The learned AOR, Mr. P. Soma Sundaram, may produce the travel tickets along with his affidavit.

5. Registry is directed to send a copy of this Order to the petitioner to enable him to file his affidavit with detailed explanation as stated hereinabove. The concerned advocates are also directed to inform the petitioner about this order.

6. The petitioner is also directed to remain personally present before this Court on 09.04.2025 at 10:30 a.m.

7. List the matter on 09.04.2025 at 10:30 a.m. before the same combination of Bench.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(MAMTA RAWAT)
ASSISTANT REGISTRAR