

STATE OF TAMIL NADU

v.

SELVI J. JAYALALITHA

APRIL 25, 2000

[K.T. THOMAS AND MRS. RUMA PAL, JJ.]

*Code of Criminal Procedure, 1973 :*

*Criminal Revision—Pending before High Court—Prayer to discharge the accused of the offences—Trial pending at final stage of prosecution evidence—Appeal by State against Order of High Court—Prayer on behalf of accused for permission to withdraw the criminal revisions filed before High Court without prejudice to her right to raise all contentions in the trial court afresh—Held, criminal revision would stand dismissed as withdrawn accordingly—Trial court to conclude the trial expeditiously.*

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal Nos. 395-397 of 2000.

From the Judgment and Order dated 13.1.2000 of the Madras High Court in CrI.R.C. Nos. 406/98, 606/99 and 930 of 1999.

Shanti Bhushan, V.R. Reddy, N. Natarajan, Anil B. Diwan, R. Mohan, R. Shunmugha Sundaram and V.G. Pragasam for the Appellant.

Shushil Kumar, K.V. Viswanathan, N. Jothi, Sanjay Jain, Kunwar Ajit Mohan Singh, R.P. Wadhvani and K.V. Venkataraman for the Respondents.

The following Order of the Court was delivered :

Leave granted.

When we heard Shri Santi Bhushan, Learned senior counsel for the State of Tamil Nadu on 18.4.2000, he frankly conceded that the offence under Section 420 of the Indian Penal Code cannot be charged against the respondent on the facts of this case. However, learned senior counsel addressed detailed arguments regarding sustainability of the other offences included in the charge framed against the respondent, and seriously attacked the reasons of the learned Single Judge of the Madras High Court in the impugned order. Shri Sushil Kumar, learned senior counsel who argued for the respondent defended

A the order. We are told that the impugned order was passed by the High Court when the trial court has reached almost the final stage of prosecution evidence, as only a few more witnesses remained to be examined. When we expressed to Shri Sushil Kumar that it was not proper for the Single Judge to have expressed final opinion on the merits of the legal interpretations regarding the points raised, when the trial has reached such a stage, learned senior counsel B wanted time to get instructions as to whether the petitions filed by the respondent to discharge the accused can be withdrawn without prejudice to her rights to raise all the contentions in the trial court afresh. We granted time till today.

C Learned counsel for the respondent now seeks permission to withdraw the criminal revision petitions filed in the High Court (Crl. Revision Complaint Nos. 406/1998, 606/1999 and 930/1999) without prejudice to her rights to raise all the contentions in the trial court afresh. In fact an application has been filed on behalf of the respondent seeking permission to withdraw, unconditionally, Criminal Revision Petitions numbered as above filed before the High D Court of Madras. That application will be on record. We order that the above revision petitions filed in the High Court would stand dismissed as withdrawn. However, we, permit the respondent to raise all contentions which she thinks necessary before the trial court at the final stage. We, therefore, declare that the impugned common judgment dated 13.1.2000 passed by the High Court E of Madras will stand erased. If the trial court is to decide any questions which have been dealt with in the impugned judgment the same shall be decided as though the High Court has not pronounced any opinion on such questions thus far. The trial court will now proceed to conclude the trial and dispose it of in accordance with law as expeditiously as possible.

F These appeals are disposed of accordingly.

R.P.

Appeal disposed of.