**ITEM NO.13 Court 4 (Video Conferencing) SECTION X**

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

**Writ Petition(s)(Criminal) No(s).437/2021**

**P. NALLAMMAL** **Petitioner(s)**

**VERSUS**

**THE REGISTRAR GENERAL**
**HIGH COURT OF JUDICATURE AT MADRAS & ANR.** **Respondent(s)**

**(FOR ADMISSION and IA No.137204/2021-EXEMPTION FROM FILING O.T. and IA No.136285/2021-APPROPRIATE ORDERS/DIRECTIONS and IA No.137202/2021-APPLICATION FOR PERMISSION )**

**Date : 13-12-2021 This petition was called on for hearing today.**

**CORAM :**
**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD**
**HON'BLE MR. JUSTICE A.S. BOPANNA**

**For Petitioner(s)** **Mr. S. Nagamuthu, Sr. Adv.**
**Mr. M.P. Parthiban, AOR**
**Mr. A.S.Vairawan, Adv.**
**Mr. R. Sudhakaran, Adv.**
**Mrs. Shalini Mishra, Adv.**
**Mr. T. Hari Hara Sudhan, Adv.**
**Mr. Vikash G.R. Adv.**

**For Respondent(s)**

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

1 By a judgment dated 15 November 2000, the III$^{rd}$ Special Judge/ XIII$^{th}$ Additional Judge at Chennai convicted the husband of the petitioner in Special CC No 11 of 1997 for an offence under Section 13(2) read with Section 13(1)(c) of the Prevention of Corruption Act 1988 and sentenced him to undergo rigorous imprisonment for two years and to a fine of Rs 10,000, with a default sentence. The petitioner, who was the second accused, was convicted under the provisions of Section 109 of the Indian Penal Code 1860 read with Section 13(2) read with

Section 13(1)(c) of the Prevention of Corruption Act 1988 and was sentenced to undergo rigorous imprisonment for one year and to a fine of Rs 5,000, with a default sentence. The petitioner has stated that she and her husband filed an appeal before the High Court of Judicature at Madras, which was numbered as Criminal Appeal No 1170 of 2000.

2 At this stage, it would be material to note the case of the petitioner. According to the petitioner, the appeal was heard by a Single Judge of the High Court on diverse dates between 8 February 2013 and 20 February 2013 and was reserved for judgment. According to the petitioner, the appeal was listed for pronouncement of judgment on 30 April 2013, when the Single Judge allowed the appeal and acquitted the petitioner and her husband. The petitioner has stated that an application was made for seeking a certified copy of the judgment, which was not made available. On 19 July 2018, the appeal was listed for fresh hearing before another Judge of the High Court. Based on the above averments, the petitioner has moved this Court under Article 32 of the Constitution with the grievance that the listing of the appeal for "fresh hearing" would be violative of her rights under Articles 14, 20(2) and 21 of the Constitution and relevant provisions of the Code of Criminal Procedure 1973.

3 On 29 October 2021, the petition was directed to be listed on 22 November 2021 and has now been posted before this Court. In the meantime, the petitioner has filed certain additional documents. Mr S Nagamuthu, Senior Counsel appearing on behalf of the petitioner, has, *inter alia*, relied upon the compilation of additional documents to trace the progress of the criminal appeal until the date when it appears to have been reserved for judgment. The petitioner has also appended a list of case bundles stated to have been received from the residence of Dr Justice T Mathivanan, who demitted office on 27 May 2017.

4 In our view, the appropriate course of action would be to request the Chief Justice of the High Court of Judicature at Madras to conduct an enquiry on the administrative side into the grievance of the petitioner. We clarify that what has been recorded in the earlier part of the order does not reflect any finding of this Court. The Chief Justice is requested to conduct an enquiry into the grievance of the petitioner. The Chief Justice would be at liberty to take necessary assistance in order to ascertain the factual position and may thereafter take an appropriate decision on the grievance which has been addressed by the petitioner. If the petitioner is thereafter aggrieved on the decision taken on the administrative side, we keep open all the rights and contentions of the petitioner to pursue her remedies in accordance with law.

5 The petition is accordingly disposed of.

6 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**
**COURT MASTER**