

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSMiscellaneous Application No. 1381/2024 in CrI.A. No. 1677/2023

Y. BALAJI

Applicant(s)/
Appellant(s)

VERSUS

THE ASSISTANT COMMISSIONER OF
POLICE CENTRAL CRIME BRANCH (JOB RACKETING) & ANR. Respondent(s)(FOR ADMISSION and IA No.165306/2024-APPROPRIATE ORDERS/DIRECTIONS
AND IA NO.185912/2024 - FOR INTERVENTION)

Date : 02-09-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIHFor Applicant(s)/
Appellant(s)Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Balaji Srinivasan, AOR
Mr. Vishwaditya Sharma, Adv.
Ms. Jhanvi Dubey, Adv.
Mr. Shourya Dasgupt, Adv.
Mr. Shiva Krishnamurti, Adv.
Ms. Harsha Tripathi, Adv.
Mr. Aditya Nath, Adv.
Mr. Shreyas Ranjan, Adv.

For Respondent(s)

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Shekhar Naphde, Sr. Adv.
Mr. Amit Anand Tiwari, Sr. A.A.G.
Mr. D. Kumanan, AOR
Ms. Deepa S, Adv.
Mr. Sheikh F Kalia, Adv.
Ms. Devyani Gupta, Adv.
Ms. Tanvi Anand, Adv.
Mr. Veshal Tyagi, Adv.
Mr. Chinmay Anand Panigrahi, Adv.

Mr. Mayank Pandey, AOR

Mr. S Gurukrishnakumar, Sr. Adv.
Mr. Pranav Sachdeva, Adv.
Mr. Jatin Bhardwaj, Adv.
Mr. Abhay Nair, Adv.

Mr. Ashwin Kumar, Adv.
Ms. Neha Rathi, AOR

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

We have perused the additional affidavit filed by the concerned Secretary of the State Government stating that in all three cases, proposal for grant of sanction to prosecute V. Senthil Balaji was submitted to the office of the Hon'ble Governor on 4th January, 2024. We were wondering why such a long time of 07 months was required to deal with the proposal for sanction. Now, we are informed across the Bar that on 23rd August, 2024, the sanction in these cases has been granted.

There is an affidavit filed by the State Government pointing out the experience and credentials of the Public Prosecutor Mr. P. Washington Dhanasekaran.

We request the learned Assistant Sessions Judge, Additional Special Court for the Trial of the Cases related to Members of Parliament and Members of Legislative Assembly of Tamil Nadu, Chennai, to submit a report about the status of the cases subject-matter of this Application and also details about the other cases pending in his Court. The Registrar (Judicial) of this Court will forward a copy of this order to the learned Assistant Sessions Judge, who will submit a report in a sealed envelope for our benefit before the next date.

When Public Prosecutors are appointed to deal with prosecutions against Members of Parliament and Members of Legislative Assembly, pending before the Special Courts constituted

under the orders of this Court, we are sure that the concerned Public Prosecutors are aware about the nature of the responsibilities entrusted to them. Perhaps, the burden on them is greater as the trials before the Special Courts dealing with the cases of Members of Parliament and Members of Legislative Assembly, are being monitored by this Court. The Prosecutor has to act as an officer of the Court. As of today, no material is placed on record to show that the said Prosecutor is not competent enough. Therefore, as of today, we are not inclined to consider the request for appointing a special Public Prosecutor.

List on 30th September, 2024 for considering the report of the learned Assistant Sessions Judge, Additional Special Court for the Trial of the Cases related to Members of Parliament and Members of Legislative Assembly of Tamil Nadu.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)