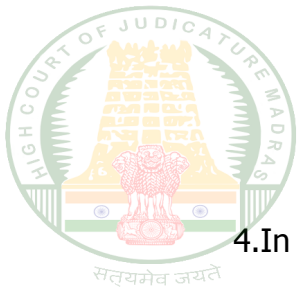


**Suo Motu Crl.R.C.No.1559 of 2023****N. ANAND VENKATESH, J.**

This matter has been listed today under the caption "*To fix a date for final hearing.*"

2. Vide an order dated 08.09.2023 this Court had exercised powers under Section 397 Cr.P.C and initiated a *suo motu* revision against the judgment and order dated 20.07.2023 passed by the Additional Special Court for Trial of Criminal Cases related to Elected MP's and MLA's of Tamil Nadu, Chennai discharging the 2nd respondent/3rd accused from C.C.No. 13 of 2019.

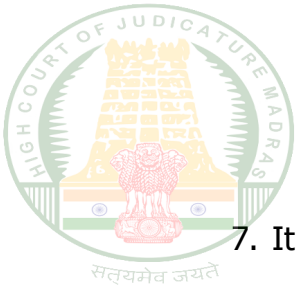
3. In the course, of the aforesaid order, this Court had found that the 2nd respondent had earlier filed a discharge petition which was dismissed by the trial court on 06.07.2016, and was affirmed by this Court on 11.11.2022 in Crl.OP.No. 34130 of 2019. This order was affirmed by the Supreme Court on 12.12.2022 declining discharge. It was noticed that midway during trial, 2nd respondent had once again filed a discharge petition on the same grounds canvassed by him earlier. The Special Court *vide* the impugned order dated 20.07.2023, found that the sanction granted by the Speaker of the Tamil Nadu Legislative Assembly under Section 19 of the Prevention of Corruption Act, 1988 was invalid, and consequently discharged the accused from the case.



4. In this backdrop, this Court has exercised its *suo motu* powers under Section 397 Cr.P.C to examine if the orders of discharge suffered from any manifest illegality or procedural impropriety. The *prima facie* observations are contained in the order dated 08.09.2023, and is not being reproduced to avoid prolixity. On a plain reading of the Code, it is evident that the powers of the High Court under Section 397 Cr.P.C extend to examining the record of any inferior court to satisfy itself of the "*correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court*". This Court must now examine whether the course adopted by the Special Court in entertaining a second discharge petition midway in the course of trial after the dismissal of the first discharge petition by the Hon'ble Supreme Court suffers from any illegality and grave procedural impropriety, particularly in the light of the decision of the Hon'ble Supreme Court in ***State of Karnataka v S. Subbegowda***, reported in (**2023**) ***SCC Online SC 911***.

5. Pursuant to the notice issued by this Court, Mr. Aswin Prasanna, Mr. Sagilesh Kumar and Mr. T. Vijay, have entered appearance for the 2nd respondent. Service of notice is, thus, complete.

6. If any of the respondent(s)/accused desire to assail the jurisdiction of this Court under Sections 397/401 Cr.P.C to initiate suo motu revisions they will be at liberty to do so at the stage of final arguments.



7. It will be open to the learned counsel for the respondents/accused to file their objections by way of a counter affidavit or written submissions together with case law, if any, by 30.01.2024.

8. This Court is conscious of the fact that the hearing of these cases involving politicians ought to be given priority. A balance has, however, got to be struck to minimize the inconvenience of other litigants and to ensure that the hearing of other matters is not indefinitely delayed. Having regard to these aspects, this Court will now take up these revisions for final hearing at 3.00 pm on 12.02.2024 and 13.02.2024.

9. This Court expects all the learned Senior Counsel/counsel to extend their fullest cooperation to complete the hearing within the aforesaid schedule.

10. The learned Senior Counsel/Counsel are requested to coordinate amongst themselves to avoid prolixity and overlapping of submissions.

11. List this case on 12th February, 2024 at 3.00 pm for final hearing.

KP
Internet: Yes

08.01.2024

N. ANAND VENKATESH, J.



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Suo Motu CrI.R.C.No. 1559 of 2023

08.01.2024