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SLP(Crl.)... 1001 OF 2001

ITEM No.12

Court No. 5

SECTION IIA

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

Petition(s) for Special Leave to Appeal(Crl.)..../2001

(From the judgement and order dated 30/08/2000 in CMP 12674/00 in  
Writ Appeal No. 1652/1997 of The HIGH COURT OF MADRAS)

CENTRAL BUREAU OF INVESTIGATION

Petitioner (s)

VERSUS

SELVI J. JAYALALITHA & ORS.

Respondent (s)

(With prayer for interim relief)  
( With Crl.M.P. No 1001/2001 for c/delay in filing SLP )

Date : 16/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Harish Salve, SG,  
Mr. KK Sood, ASG,  
Mr. ADN Rao, Adv.  
Mr. Jacob Daniel, Adv.  
Mr. P. Parmeswaran, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

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Delay condoned.  
Issue notice.

The CBI has conducted investigation and filed chargesheet against Selvi. Jayalalitha and four others for the offences under Section 13(2) of the Prevention of Corruption Act and some other counts. A Division Bench of the High Court of Madras in a Writ Appeal filed by .../2

-2-

Selvi.Jayalalitha challenging the order passed by the Single Judge directing investigation of the case which ultimately resulted in the filing of the aforesaid chargesheet, passed the impugned order. As per the impugned order the trial court is allowed to proceed with the Trial Court only with all the preliminaries upto the

stage of recording of evidence, but not any further. Learned Solicitor General of India invited our attention to paragraph 14 of the impugned judgment in which the Division Bench pointed out that learned judges were not persuaded by the arguments addressed by the counsel for Selvi. Jayalalitha to stay the proceedings in the trial court. Learned Solicitor General contends that having reached such a finding it was not proper for the Division Bench to have passed the impugned order practically staying the trial.

Prima facie we feel that there is force in the contention of the Learned Solicitor General. We therefore suspend the impugned order and direct the trial court to proceed with the trial. However the final judgment shall not be pronounced without permission from this Court.

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Hemalatha

(HK Bhatia)  
Court Master