

ITEM NO.14

COURT NO.1

SECTION XVIA

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

RECORD OF PROCEEDINGS

TRANSFER PETITION (CRL.) NO(s). 134 OF 2005

JAYENDRA SARASWATHY SWAMIGAL, TAMIL NADU

Petitioner(s)

VERSUS

STATE OF TAMIL NADU &ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and interim relief)

Date: 05/09/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN (NOT PARTICIPATED)

For Petitioner(s)

Mr. F S Nariman, Sr. Adv.

Mr. Krishna Kumar, Adv.

Mr. Subhash Sharma, Adv.

For Respondent(s)

Nos. 1 & 2

Dr. Rajeev Dhavan, Sr. Adv.

Mr. K Doraisamy, Public Prosecutor, Tamilnadu

Mr. R. Ayyam Perumal ,Adv.

Mr. S Vallinayagam, Adv.

Nos. 3 & 4

Dr. Rajeev Dhavan, Sr. Adv.

Mr. M.A.Chinnasamy,Adv.

No. 5

Mr. Shanti Bhushan, Sr. Adv.

Mr. Naresh Kumar ,Adv.

No.6

Mr. Ashok H Desai, Sr. Adv.

Mr. N.L. Ganapathi ,Adv.

Mr. Partiv Goswami, Adv.

Mr. Vinod Khanna, Adv.

No.7

Mr. Harish N Salve, Sr. Adv.

Mr. Mahesh Agarwal, Adv.

Mr. Rishi Agrawala, Adv.

2

Mr. Manu Krishnan, Adv.

Mr. E.C. Agrawala ,Adv.

No. 8

Mr.Rutwik Panda ,Adv.

Nos. 9 & 10

Mr. B Kumar, Sr. Adv.

Mr. Asok K Sadhu Khan, Adv.

Mr. M.K.D. Namboodiri ,Adv.

Nos. 11 & 18

Ms. Sumita Hazarika ,Adv.

Nos. 12,14-16,20-22 Mr. Hari Shankar K ,Adv.
& 27

Nos. 17,23,25&26 Mr. T.Raja ,Adv.

No. 28 Mr. M.A. Krishna Moorthy ,Adv.

(Mr. G L Sanghi, Sr. Adv. also appeared)

For Applicant(s) in IA for Ms. Indira Jaisingh, Sr. Adv.
intervention/impleadment Ms. Anitha Shenoy, Adv.
(proposed to be filed)

UPON hearing counsel the Court made the following

O R D E R

Copy of the counter affidavit filed on behalf of the

respondent-State has been delivered to the petitioner's

counsel only on Friday, i.e., 2nd September, 2005.

With the consent of the learned counsel for the

parties, it is directed that the matter shall come up for

final hearing on 4th October, 2005.

Dr. Rajeev Dhavan, the learned senior counsel for

the respondent-State as also Mr. Shanti Bhushan, the learned senior counsel appearing for respondent No. 5 submitted that the transfer petition itself has been rendered infructuous in view of the case having been committed by the learned Magistrate to the Court of Sessions. That plea is left open

3

to be urged at the time of final hearing.

Mr. F.S. Nariman, the learned senior counsel

appearing for the petitioner submits that today is the date appointed by the Court of Sessions for framing of charges,

but the petitioner is undergoing a Chaturmasya Vrata which

will be over on 17th September, 2005 and, therefore, has

difficulty in making personal appearance in the Court. In

view of that submission, it is directed that hearing on the

question of charges may continue but the actual framing of

the charges and the recording of the plea as contemplated by

Section 228 of the Code of Criminal Procedure, 1973 shall

remain postponed till the date of hearing by this Court and

the personal appearance of two of the accused, namely, the petitioner herein and respondent No. 6 herein shall remain exempted till that date.

Ms. Indira Jaisingh, the learned senior counsel makes appearance and states that she proposes to move an application for intervention/impleadment on behalf of Smt. Padma Sankararaman, widow of the deceased. She is at liberty to move the said application. That application shall be heard on its own merits, as and when filed.

(D.P. WALIA)
COURT MASTER

(RADHA R. BHATIA)
COURT MASTER