

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1) No(s).2238/2007

(From the judgement and order dated 21/02/2007 in CRLA No. 626/1998 & CRLA No. 627/1998 & CRLA No. 628/1998 of The HIGH COURT OF MADRAS)

K.RAJENDRA BABU

Petitioner(s)

VERSUS

STATE REP.BY PUBLIC PROSECUTOR

Respondent(s)

(With application for bail and office report)

Date: 16/07/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s) Ms. E.R. Sumathy,Adv.  
Mr. Mallikarjun S. Mylar,Adv.  
Mr. K. Lingaraja,Adv.

For Respondent(s) Mr. A. Sharan, ASG  
Mr. Amit Anand Tiwari,Adv.  
Mr. P. Parmeswaran,Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

Heard the learned counsel for the parties. The impugned judgment is set  
aside, the matter is remitted to the High Court and the appeal is disposed of in term  
s of the signed order.

(A.S. BISHT)  
COURT MASTER

(PUSHAP LATA BHARDWAJ)  
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 908 OF 2007  
[Arising out of SLP(Cr1.) No. 2238/2007]

K. RAJENDRA BABU  
(S)

.... APPELLANT

:VERSUS:

STATE REP. BY PUBLIC PROSECUTOR  
T(S)

... RESPONDEN

ORDER

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that interest of justice would be subserved if the impugned judgment of the High Court is set aside and the matter is remitted to the High Court for consideration thereof afresh on merits. It is directed accordingly. However, we think expedient to note the order passed by this Court on 27.4.2007:

"We have informed the counsel and counsel has clearly understood the implication of the remand, because if on remand the Court finds the petitioner guilty, the Court may sentence him to a term of imprisonment which may be more than one year, and the petitioner will not then be permitted to argue that the sentence earlier awarded ought to be awarded."

We reaffirm the same.

We request the High Court to consider the desirability of disposing of the matter as expeditiously as possible.

The appeal is disposed of accordingly.

.....J  
(S.B. SINHA)

.....J  
(H.S. BEDI)

NEW DELHI,  
JULY 16, 2007.