

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) No(s).7084/2010
(From the judgement and order dated 08/06/2010 in CRLMC No.1179/2010
of The HIGH COURT OF KERALA AT ERNAKULAM)

DR.K.RAMALINGAM

Petitioner(s)

VERSUS

CBI & ANR

Respondent(s)

(With appln(s) for stay, permission to file additional documents
and office report)

Date: 13/10/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Soli J. Sorabjee, Sr. Adv.
Mr. U.U. Lalit, Sr. Adv.
Mr. Amit Kr. Singh, Adv.
Mr. K. Enatoli Sema, Adv.
Mr. Rokono Mor, Adv.
Ms. Hemantika Wahi, Adv.

For Respondent(s) Mr. Mohan Parasaran, ASG
Mr. A. Maryarputam, Sr. Adv.
Mr. P.K. Dey, Adv.
Mr. Arvind Kumar Sharma, Adv.
Mr. Yusuf Khan, Adv.

Mr. R. Sathish ,Adv

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

We have heard learned counsel for the parties and
perused the High Court's order dated 8th June, 2010.

We are of the view that in our jurisdiction under
Article 136 of the Constitution, we cannot interfere
with the order of the High Court. In our view, the High

Court was correct in opining that at this stage, it is
difficult for the High Court to go into a meticulous
examination of the materials forming the charges
against the petitioner.

But, at the same time, the High Court has reserved
the right of the petitioners to apply for discharge
without personal appearance. Learned counsel for the
petitioners submits that normally, such application if
filed is not taken up within a reasonable time.

We, therefore, give liberty to the petitioners to

apply for discharge and the petitioner, if so advised, is at liberty to take all points in accordance with law in that petition. Such petition may be filed before the Special Judge within four weeks from today.

If such an application is filed, we request the Special Judge to see its way to dispose of the matter as early as possible but preferably within eight weeks from the date of filing of the application.

We make it clear that if such petition for discharge is filed by the petitioners, the Special Judge shall have to consider it on its own merits without construing anything said in this order as an expression of opinion on the merits of such petition.

The special leave petition is disposed of accordingly.

(G.SUDHAKARA RAO)
COURT MASTER

(VINOD KULVI)
COURT MASTER