

ITEM NO.60

COURT NO.10

SECTION X

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

Writ Petition(s) (Criminal) No(s). 13/2015

DAYANIDHI MARAN

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

REP BY ITS DIRECTOR, NEW DELHI

Respondent(s)

(With appln.(s) for ex-parte stay and office report)

WITH

W.P.(Crl.) No. 14/2015

(With appln.(s) for stay and office report)

Date : 09/02/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)	Mr. C.A. Sundaram, Sr. Adv.
WP(Crl) 13/15	Mr. Amarender Sharan, Sr. Adv.
	Mr. K.V. Jagdishvaran, Adv.
	Ms. G. Indira, Adv.
	Mr. Sumesh D., Adv.
	Ms. Vatsala, Adv.
WP(Crl) 14/15	Mr. L. Nageshwar Rao, Sr. Adv.
	Mr. Shekhar Naphade, Sr. Adv.
	Mr. Anirban Bhattacharya, Adv.
	Mr. Abhisekh E. Kisku, Adv.
	Mr. Gauhar Mirza, Adv.
	Ms. Sukriti Mago, Adv.
	Mr. Abhay Kumar, Adv.
For Respondent(s)	Mr. K.K. Venugopal, Sr. Adv.
C.B.I.	Ms. Pinky Anand, A.S.G.,
	Mr. Anand Grover, Sr. Adv.
	Mr. Gopal Sankaranarayanan, Adv.
	Ms. Sonia Mathur, Adv.
	Mr. Rohit Bhat, Adv.
	Mr. Mihir Samson, Adv.
	Mr. Vikramaditya, Adv.

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

On 6.02.2015, after we dictated the order, on the submission made by Ms. Pinky Anand, learned Additional Solicitor General, in the afternoon session before this Court rose for the day, for the reasons recorded in our order, the dictated order on 6.02.2015 in these petitions was recalled.

After we dictated the Order on 6.2.2015, these matters were relisted for hearing today as per the roster.

We have heard Ms. Pinky Anand, learned Additional Solicitor General, Mr. K.K. Venugopal, learned senior counsel, for the C.B.I. and Mr. Anand Grover, learned senior counsel, for the Special Judge Court. We have heard further submissions of learned senior counsel appearing for the petitioners.

Learned senior counsel for the C.B.I. invited our attention to the order which we have dictated on 6.02.2015 noting the submission made on behalf of learned senior counsel in both the writ petitions would give an impression that they may approach the High Court, though this Court has not expressly given liberty to them to approach the High Court. In that event, that would be contrary to the judgments of this Court in Centre for Public Interest Litigation & Ors. vs. U.O.I. & Ors., (2012) 3 SCC 117 para 30, Centre for Public Interest Litigation & Ors. vs. U.O.I. & Ors., (2011) 1 SCC 560, Centre for Public Interest Litigation & Ors. vs. U.O.I. and Ors., 2013 (8) SCC 18 para 8 and Shahid Balwa vs. U.O.I. & Ors., 2014 (2) SCC 687 para 13 to show that this Court has in explicit terms has stated in relation to the 2G Scam cases, other than this Court, no other High Court or Courts have jurisdiction to examine the matter.

The said submission is strongly rebutted by learned senior counsel, Mr. C.A. Sundaram, Mr. Shekhar Naphade and Mr. L. Nageshwar Rao appearing for the petitioners. Mr. C.A.

Sundaram, learned senior counsel, made a submission which is reiterated by other learned senior counsel that the matters which are being filed before this Court in these petitions are not 2G Scam cases, therefore, the Special Judge designated to try the 2G Scam cases exclusively has no jurisdiction in relation to the chargesheets filed in these cases before him and in respect of charges against the petitioners and, therefore, reliance placed on the judgments of this Court by learned senior counsel on behalf of the respondent have no relevance to the facts of the present cases. Learned senior counsel for the petitioners further contended placing strong reliance upon Section 482 of the Code of Criminal Procedure that the right available to the petitioners cannot be taken away. It was submitted that when they have taken a plea in these proceedings that the Special Judge has no jurisdiction, the alternative remedy available for them, it was contended that, even assuming that the submission made on behalf of the C.B.I. and U.O.I. with respect to the aforesaid cases upon which they have placed strong reliance are correct, then this Court is the appropriate forum to examine the petition under Article 32 of the Constitution of India and therefore, requested this Court to examine as to whether their cases would fall under 2G Scam cases.

We have heard learned senior counsel appearing on behalf of the parties.

We restore the order which we have dictated in the first instance on 6.02.2015 with a further clarification that only the submission of the learned senior counsel on behalf of the parties are noted in our dictated order which is restored today.

Further, we make it very clear that in view of the decisions referred to supra on which reliance is placed by Mr. K.K.

Venugopal, learned senior counsel, we have not given any liberty to the petitioners to approach the High Court or any other Court except the Special Judge, at the first instance, to raise the jurisdictional issue.

With the aforesaid clarification, we restore our dictated order dated 6.02.2015 in these writ petitions.

The writ petitions are disposed of accordingly.

(S. K. RAKHEJA)  
COURT MASTER

(MALA KUMARI SHARMA)  
COURT MASTER