



ITEM NO.27

COURT NO.2

SECTION II-C

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

Petition(s) for Special Leave to Appeal (CrI.) No(s). 12784/2022

(Arising out of impugned final judgment and order dated 23-12-2021 in WP No. 7795/2020 passed by the High Court Of Judicature At Madras)

SIKKANDER

Petitioner(s)

VERSUS

THE STATE REP. BY SECRETARY
TO GOVT. OF TAMILNADU & ORS.
WITH

Respondent(s)

SLP(CrI) No. 5978/2023 (II-C)
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 124492/2023

Date : 25-09-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Sidharth Aggarwal, Sr. Adv.
Mr. S. Prabu Ramasubramanian, Adv.
Mr. Raghunatha Sethupathy B, AOR
Ms. Priya R, Adv.
Mr. Bharathimohan M, Adv.
Mr. S. Sabari Bala Pandian, Adv.
Mr. A Manoj Kumar, Adv.
Mr. Avinash Kumar, Adv.
Mr. M. Vishal Sundaramughan, Adv.
Ms. Arshiya Ghose, Adv.

Mr. T. Harish Kumar, AOR
Mr. S. Prabu Ramasubramanian, Adv.
Mr. Navneet Dugar, Adv.
Mr. Subham Kothari, Adv.
Mr. Preethi G, Adv.

For Respondent(s) Mr. P. Soma Sundaram, AOR

Dr. Joseph Aristotle S., AOR
UPON hearing the counsel the Court made the following

O R D E R

Special Leave to Appeal (CrI.) No(s). 12784/2022

Learned counsel for the respondent has failed to

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bring on record the affidavit he claims to have received only on 23.09.2023.

We are faced with a situation where the petitioner(s) was 18 years of age when he went into custody and has spent now more than 24 years in custody. In terms of the order dated 13.12.2022, we recorded the submission of learned counsel for the petitioner(s) that the petitioner(s) was willing to undertake that he will not go to the area in question as the reason cited was security of the petitioner if he was released prematurely. We may note that the petitioner(s), then 24 years and 10 months in custody, was released on 24 occasions and that the victim's family had also moved away from the place of incident, with no whereabouts known, and merely because two families were of two different religious beliefs, that could not be the reason to *ad infinitum* keep the petitioner(s) in custody.

On 13.03.2023, it was stated by learned senior counsel for the petitioners that they will move away from that area and the State may prescribe which areas they will not visit.

On our query, learned counsel for the respondent seems to have no answer to this query nor affidavit filed.

We are left with no option but to direct the personal presence of a sufficiently senior officer

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not below the rank of Additional Secretary of the Department on the next date of hearing.

Learned counsel submits that despite the order of interim parole, the petitioner has been in custody as some incident took place on 16.06.2023 when he was on parole. The proceedings arising therefrom were quashed on 27.09.2023 and prior to the quashing also he was released on 10.07.2023, but he is not being released physically because of the pendency of the present proceedings. It is the say of learned senior counsel for the petitioner that he is in custody in the present case on account of the fact that the incident occurred when he was on parole.

List on 30.10.2023.

The petitioner is granted interim bail in the meantime.

SLP(Cr1) No. 5978/2023

Learned counsel for the State submits that an order has been passed recommending the release of the petitioner and the file is pending with the Governor.

List on 30.10.2023.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)