

ITEM NO.40

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 (Crl.) No(s). 7338/2016

(Arising out of impugned final judgment and order dated 16-02-2016  
in CRLA. No. 20/2012 passed by the High Court Of Madras)

VAIRAVEL

Petitioner(s)

VERSUS

STATE THROUGH INSPECTOR OF POLICE

Respondent(s)

(FOR EXEMPTION FROM FILING O.T.)

Date : 07-07-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. S. Gowthaman, AOR

For Respondent(s) Mr. M. Yogesh Kanna, AOR  
Ms. Nithya, Adv.  
Ms. Maha Lakshmi, Adv.  
Ms. Partha Sarathi, Adv.

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

Leave granted.

The appeal is allowed to the extent indicated in the  
signed order.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1068 OF 2017

(Arising out of SLP (Crl.) No.7338 of 2016)

VAIRAVEL

... Appellant

VERSUS

STATE THROUGH INSPECTOR OF POLICE

... Respondent

O R D E R

Leave granted.

The present appeal, by special leave, calls in question, the legal acceptability of the judgment and order dated 16.2.2016 passed by the High Court of Judicature at Madras in Criminal Appeal No.20 of 2012 whereby the High Court has set aside the conviction and sentence and remanded the matter to the trial court for fresh disposal.

Learned counsel for the parties fairly agreed, and rightly so, that there could not have been remand in a case of this nature.

In view of the aforesaid, the judgment and order passed by the High Court is set aside and the matter is remanded to the High Court to appreciate the evidence brought on record and decide the appeal in accordance with law.

The appeal is allowed to the extent indicated above.

.....,J.  
(Dipak Misra)

.....,J.  
(A.M. Khanwilkar)

New Delhi;  
July 7, 2017.