

CORRECTEDIN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).1325-26/2017
(Arising out of Special Leave Petition (Cr1) No(s).
7418-7419/2016)

P.SURESH & ANR.

APPELLANT(S)

VERSUS

THE STATE OF TAMIL NADU
THROUGH: INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION

RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The First Information Report (FIR) under Sections 420 and 120B of the Indian Penal Code, 1860 (IPC) is registered against the appellants herein causing wrongful loss to the Government. The allegations in the charge sheet are that the appellants in conspiracy with accused nos. 1 & 2, anticipating some reductions in Infrastructural and Amenities Charges without paying the amount to the Government; accused nos. 1 & 2 being Government Servants abused their official position and helped the appellants to get the benefit of G.O.Ms 161 dated 09.09.2009 as per which the charges were reduced from Rs. 1000 per square meter to Rs. 250 per square meter. The Trial Court framed the charges against the appellants. The appellants filed discharge application which was dismissed.

Being aggrieved, the appellants filed two Criminal Revisions against the order of the Trial Court, which have been dismissed by the High Court vide impugned judgment and challenging the order of the High Court these proceedings are filed.

It may be recorded at this stage that the question as to whether the charges were payable by the appellants @ Rs. 250/- per square meter or Rs. 1,000/- per square meter was the subject matter of SLP(C) No. 26254 of 2015 which is also listed along with these appeals. In that case, the demand of the State Government calling upon the appellants to pay the charges @ Rs. 1,000/- was challenged by the appellants in the High Court and the High Court allowed the writ petition. Intra Court appeal preferred by the State Government was also dismissed. SLP(C) No. 26254 of 2015 has been filed against the said judgment of the High Court. By a separate order, the said petition stands dismissed. The effect thereof is that the appellants were required to pay Rs. 250/- per square meter only and having held so, the very basis and foundation of the charge sheet in the present case is demolished and they cannot be prosecuted .

In these circumstances, these appeals are allowed and the appellants are discharged in the FIR No. 04/AC/2011/CC-II.

It transpires that the appellants had collected the money from other customers @ of Rs.1,000/- per square meter. This Court had passed an interim order directing the appellants to deposit the

excess amount. This order was complied with. The aforesaid amount shall be released to the appellants. The said amount shall be refunded to the persons from whom it was collected and compliance affidavit shall be filed by the appellants within three months along with proof of refund. We make it clear that the State Government would not be required to refund any amount.

.....J.
[A.K. SIKRI]

.....J.
[ASHOK BHUSHAN]

NEW DELHI;
JULY 28, 2017.

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Heard learned counsel for the parties.

The First Information Report (FIR) under Sections 420 and 120B of the Indian Penal Code, 1860 (IPC) is registered against the appellants herein causing wrongful loss to the Government. The allegations in the charge sheet are that the appellants in conspiracy with petitioner nos. 1 & 2 in SLP(C)No.26254/2015, anticipating some reductions in Infrastructural and Amenities Charges without paying the amount to the Government; petitioner Nos. 1 & 2 in SLP(C)No.26254/2015 being Government Servants abused their official position and helped the appellants to get the benefit of G.O.Ms 161 dated 09.09.2009 as per which the charges were reduced from Rs. 1000 per square meter to Rs. 250 per square meter. The Trial Court framed the charges against the appellants.

The appellants filed discharge application which was dismissed. Being aggrieved, the appellants filed two Criminal Revisions against the order of the Trial Court, which have been dismissed by the High Court vide impugned judgment and challenging the order of the High Court these proceedings are filed.

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passed an interim order directing the appellants to deposit the excess amount. This order was complied with. The aforesaid amount shall be released to petitioner nos. 1 & 2 in SLP(C)No.26254/2015. The said amount shall be refunded to the persons from whom it was collected and compliance affidavit shall be filed by the petitioner nos. 1 & 2 in SLP(C)No.26254/2015 within three months along with proof of refund. We make it clear that the State Government would not be required to refund any amount.

.....J.
[A.K. SIKRI]

.....J.
[ASHOK BHUSHAN]

NEW DELHI;
JULY 28, 2017.

ITEM NO.8

COURT NO.7

SECTION XII

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 (C) No(s). 26254/2015

(Arising out of impugned final judgment and order dated 26-03-2015
in WA No. 1632/2014 passed by the High Court Of Madras)THE REGIONAL DEPUTY DIRECTOR,
DIRECTOR OF TOWN AND COUNTRY PLANNING & ORS. Petitioner(s)

VERSUS

L & T ARUN EXCELLO REALTY PVT. LTD. & ANR. Respondent(s)

WITH

SLP(Cr1) No. 7418-7419/2016 (II-C)

(FOR PERMISSION TO FILE SYNOPSIS AND LIST OF DATES ON IA
15696/2016

FOR EXEMPTION FROM FILING O.T. ON IA 15698/2016

FOR [PERMISSION TO FILE ANNEXURES] ON IA 18928/2016

FOR EXEMPTION FROM FILING O.T. ON IA 18930/2016

FOR STAY APPLICATION ON IA 3819/2017

FOR EXEMPTION FROM FILING O.T. ON IA 3821/2017)

Date : 28-07-2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHANFor Petitioner(s) Mr. Subramonium Prasad, Sr. Adv.
Mr. M. Yogesh Kanna, AOR
Ms. Nithya, Adv.
Ms. Maha Lakshmi, Adv.
Mr. Partha Sarathi, Adv.

Mr. Zoheb Hossain, AOR

For Respondent(s) Mr. Mohan Parasaran, Sr. Adv.
Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Zoheb Hossain, Adv.
Adeeba Mujahidm Adv.

Mr. Rauf Rahim, AOR

Mr. M. Yogesh Kanna, AOR

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

SLP(C) No. 26254/2015

The Special Leave Petition is dismissed.

Pending application(s), if any, stands disposed of
accordingly.

SLP(Cr1) No. 7418-7419/2016

Leave granted.

The appeals are allowed in terms of the signed order.

Pending application(s), if any, stands disposed of
accordingly.

(ASHWANI KUMAR)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)