

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.178/2020  
(@Petition for Special Leave to Appeal (Cr1.) No.7364/2015)

CHANDRAKANTHAN

Appellant(s)

VERSUS

R. VIVEKANANDAN

Respondent(s)

WITH

CRIMINAL APPEAL NO.197/2020  
(@SPECIAL LEAVE PETITION (CRL.) NO.801 of 2020)  
(@SLP(Cr1.)...CRLMP No. 19344/2015)

CRIMINAL APPEAL NO.198/2020  
(@SPECIAL LEAVE PETITION 802 /2020)  
(@SLP(Cr1.)...CRLMP No. 223/2017)

CRIMINAL APPEAL NO.179/2020  
(@Petition for Special Leave to Appeal (Cr1.) No.290/2017)

O R D E R

Permission to file the Special Leave Petition is granted.

Application seeking condonation of delay in filing substitution application is allowed.

For the reasons stated in the application for substitution, the said application is allowed and the legal representatives of the deceased petitioner are brought on record.

Cause title be amended accordingly.

Delay condoned.

Leave granted.

We have heard the learned counsel appearing for the parties at length.

Taking into consideration the submissions made by Mr. Gaurav Agrawal, learned counsel appearing for the sole respondent (common in all the matters) that his client is willing to pay a sum of Rs.48,00,000/- (Rupees Forty Lakhs only) to the appellants, as against a sum of Rs.1 Crore suggested by this Court, and further that thereafter he has no instructions from him, we are of the considered view that the respondent – accused does not want to make the payment as directed by this Court.

In view of the above, we have no option but to allow the appeals filed by the appellants-complainants.

Thus, we set aside the impugned orders passed by the High Court of Judicature at Madras in Criminal Revision Cases acquitting the respondent of all the charges.

As a consequence thereof, the orders of the Trial Court and the Appellate Court are restored.

The respondent is, therefore, directed to surrender himself within a period of two weeks from today before the appropriate Court to serve the sentence imposed upon by the Trial Court and confirmed by the Appellate Court, failing which the concerned Police Authorities shall take him into custody for the said purpose.

The appeals are allowed in the afore-stated terms

.....J  
(N.V. RAMANA)

.....J  
(V. RAMASUBRAMANIAN)

NEW DELHI;  
27TH JANUARY, 2020.

ITEM NO.42

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 for Special Leave to Appeal (Cr1.) No.7364/2015

(Arising out of impugned final judgment and order dated 27-03-2015 in CRLRC No. 953/2011 passed by the High Court of Judicature at Madras)

CHANDRAKANTHAN

Petitioner(s)

VERSUS

R. VIVEKANANDAN

Respondent(s)

(IA No. 15111/2015 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Cr1.)...CRLMP No. 19344/2015 (II-C)

(IA No. 19344/2015 - CONDONATION OF DELAY IN FILING SLP AND IA No. 19346/2015 - CONDONATION OF DELAY IN REFILING SLP)

SLP(Cr1.)...CRLMP No. 223/2017 (II-C)

(IA No. 225/2017 - APPLICATION FOR SUBSTITUTION, IA No. 226/2017 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.AND IA No. 223/2017 - PERMISSION TO FILE SPECIAL LEAVE PETITION)

SLP(Cr1) No. 290/2017 (II-C)

Date : 27-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s)

Mr. P.B. Suresh, Adv.  
Mr. Vipin Nair, AOR  
Mr. Karthik Jayashankar, Adv.

Mr. G.Sivabalamurugan, AOR  
Mr. Selvaraj Mahendran, Adv.  
Mr. M. Vivek Bharathi, Adv.

For Respondent(s)

Mr. Gaurav Agrawal, AOR

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

Permission to file the Special Leave Petition is granted.

Application seeking condonation of delay in filing substitution application is allowed.

For the reasons stated in the application for substitution, the said application is allowed and the legal representatives of the deceased petitioner are brought on record.

Cause title be amended accordingly.

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order.

Pending application filed in the matters also stands disposed of.

The respondent is directed to surrender himself within a period of two weeks from today before the appropriate Court to serve the sentence imposed upon by the Trial Court and confirmed by the Appellate Court, failing which the concerned Police Authorities shall take him into custody for the said purpose.

(VISHAL ANAND)  
COURT MASTER (SH)

(RAJ RANI NEGI)  
ASSISTANT REGISTRAR

(Signed Order is placed on the file)