

IT-55

ORDER OF THE SUPREME COURT OF INDIA OF 24 FEBRUARY 2014

ITEM NO.54

COURT NO.4

SECTION XIA

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

IA 5/2014 in Petition(s) for Special Leave to Appeal (Civil)
No(s).20370/2012

(From the judgement and order dated 29/05/2012 in WPC No.4542/2012 of The
HIGH COURT OF KERALA AT ERNAKULAM)

MASSIMILANO LATORRE AND ORS.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(With appln(s) for directions and office report)

Date: 24/02/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s)

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Suhail Dutt, Sr. Adv.
Mr. Piljeet Titus, Adv.
Mr. Viprav Sharma, Adv.
Mr. Hari V. Pillai, Adv.
Mr. Ujjwal Sharma, Adv.
Mr. Baljit Singh K, Adv.
Mr. Akshat Bhatnagar, Adv.
Ms. Chahat Kakani, Adv.
Mr. Ninad Laud, Adv.
Ms. Divyanshi Singh, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Ashutosh Kumar Singh, Adv.

For Respondent(s)

Mr. G.E. Vahanvati, AG
Mr. Haris Beeran, Adv.
Mr. S.A. Haseeb, Adv.
Mr. Mushtaq Salim, Adv.
Mr. B. Krishna Prasad, Adv.

Mr. V. Giri, Sr. Adv.
Mr. Mohammed Sadique, Adv.
Mr. Ramesh Babu M.R., Adv.

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

An affidavit has been filed today on behalf of the Union of India, the same is taken on record.

According to the affidavit, the Union of India has accepted the opinion of the Law Ministry according to which in the facts and circumstances of the case, the provisions of SUA Act are not attracted in this case. It has further been stated that appropriate steps will be taken to ensure that the charge-sheet reflect the opinion to the decision taken by the Union of India.

To that extent, there is no objection by Shri Mukul Rohatgi, learned senior counsel appearing for the petitioner.

However, he has raised the issue that in view of the opinion given by the Law Ministry and the acceptance thereof by the Union of India, it will deunde the NIA to investigate or prosecute the petitioner or submit the charge-sheet.

The learned Attorney General has disputed this proposition.

In view of the earlier order dated 26/4/2013 passed by a three-Judge Bench of this Court in W.P.(C)No.135/2012 etc. and in such a fact situation, it is desirable to hear the parties limited to that extent and on that issue being a pure question of law. However, to meet the technicalities, Mr. Mukul Rohatgi, learned senior counsel has pointed out that he would like to file an application to that effect.

If such an application is filed within a week, a reply may be filed within one week thereafter.

List the matter after two weeks before three-Judge Bench.

(O.P. Sharma)
Court Master

(M.S. Negi)
Assistant Registrar