

(Supreme Court Of India)

N. Ravi & Others

v.

Union of India & Others

(Y.K. Sabharwal and D.M. Dharmadhikari)

Writ Petition (Criminal) No. 274-283 Of 2003 With Writ Petition (Criminal) No. 15-17 Of 2004 & 26-28 Of 2004 | 17-12-2004

1. The petitioners have challenged the validity of Section 499 of Indian Penal Code praying that the said provision, on Constitutional touchstone, is inapplicable to the statements made in relation to official conduct of public servant/functionaries.

Prayer (b) inter alia seeks to challenge the sanction granted by the Government of Tamil Nadu under Section 199(4)(a), (b) of Code of Criminal Procedure for prosecution of the petitioners for the definition of the Chief Minister of Tamil Nadu. Insofar as prayer (b) is concerned, it has become academic in view of the affidavit filed by the Secretary to State Government, Public (Law and Order) Department, inter alia, stating that all the complaints have been withdrawn except one case being CC No. 34 of 2002 (Junior Vikatan) which was posted on 6th December, 2004. Hopefully orders may have been passed even in that case on 6th December, 2004.

2. Strictly speaking on withdrawal of the complaints, the prayer about the validity of Section 499 has also become academic, but having regard to the importance of the question, we are of the view, in agreement with the learned Counsel for the petitioners, that the validity aspect deserves to be examined. In this view, we issue Rule, insofar as prayer (a) is concerned.