

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NOS 761-762 OF 2021

**The State of Telangana Rep by Special Officer
Vandhana & Ors**

... Appellants

Versus

M/s Heera Gold Exim Private Limited & Ors

... Respondents

WITH

SPECIAL LEAVE PETITION (CRIMINAL) NOS 5966-5967 OF 2021

AND

WRIT PETITION (CRIMINAL) NO 31 OF 2020

O R D E R

1 This Court passed the following order on 23rd August 2024 :

- "1 We heard this matter for quite some time.
- 2 We have been able to understand the issues involved in this litigation. The distinct understating arrived at today is that the client of the learned senior counsel, Mr Ranjit Kumar has agreed to raise funds to the tune of Rs 580 crore by the next date of hearing.
- 3 There are many parcels of land owned by the company. The first thing we would like to have is a list of all those immovable properties free of all encumbrances and also those properties where some claims have been put forward.
- 4 We have also gone through few orders passed by this Court over a period of time. It is very apparent that there is no progress worth the name in the matter. Therefore, today we have made ourselves very clear that failure on the part of the accused to raise the

necessary finance may entail the following consequences:

- (i) The petition filed under Article 32 of the Constitution for clubbing of all the FIRs may be liable to be dismissed;
- (ii) The SFIO may be asked to proceed further in accordance with law;
- (iii) The bail granted by this Court may be liable to be cancelled;
- (iv) We may ask each State where the FIRs have been registered to investigate them in accordance with law; and
- (v) We may also ask the Enforcement Directorate to proceed in accordance with law.

5 List the matters on 18 October 2024 and be treated as a part heard matter.”

2 Thus, by our aforesaid order, we had made ourselves abundantly clear that if the respondent accused is unable to raise the amount to the tune of Rs. 580 crore, then we would dismiss the petition filed for clubbing of all the FIRs invoking Article 32 of the Constitution and the bail granted by this Court would also be liable to be cancelled.

3 Today, when the matter was taken up for hearing, the learned counsel appearing for the respondent-accused was not able to make any positive statement as regards the amount referred to aforesaid. There seems to be no progress in the matter.

4 In such circumstances, the Article 32 petition seeking clubbing of all the FIRs is hereby ordered to be dismissed.

5 The SFIO shall now proceed further in accordance with law.

- 6 The bail granted by this Court stands cancelled. We grant two weeks time to the respondent-accused to surrender before the authority concerned.
- 7 All the FIRs which have been registered in different States shall now be investigated in accordance with law.
- 8 We leave it open for the Enforcement Directorate also to proceed further in accordance with law.
- 9 We clarify that the SFIO shall investigate only offences relating to the Company Law. Rest of the offences shall be investigated by the Police authorities of the respective States.
- 10 The aforesaid order shall not come in the way of the respondent-accused, if she wants to apply for bail afresh in the event of some changed circumstances in future.
- 11 We are informed that some contempt proceedings are also pending. The same shall remain pending.
- 12 At this stage, Mr. S.V. Raju, the learned Additional Solicitor General appearing for the Enforcement Directorate submitted that an amount of Rs.49,20,600/- (Rupees forty nine lakh twenty thousand and six hundred only) is to be paid to the chartered accountant firm Sarath Associates towards professional fees. In the past, an amount of Rs.1,14,81,400 (Rupees one crore fourteen lakh, eighty one thousand and four hundred only) was paid to the said Chartered Accountant Firm for the services rendered between 17.2.2022 and 16.4.2023, i.e., approximately for a period of fourteen months. Mr. Raju pointed out that since

April, 2023, there has been no further disbursement of the amount towards fees. The Firm has made a request to release the bill amount of Rs.49,20,600/- (Rupees forty nine lakh twenty five thousand and six hundred only) referred to above.

- 13 We permit the concerned authority of the Enforcement Directorate to withdraw the amount of Rs.49,20,600/- from the deposit account. In the aforesaid regard, the following statement would make the picture more clear :

CA Firm Sarath Associates paid Professional Fee @ Rs.6.95 lakhs+GST 18% totaling to Rs.8,20,100 per month	Paid for 14 months from 17.02.2022 to 16.04.2023 = 14 x Rs.8,20,100 = Rs.1,14,81,400/- No Fee paid since April, 2023. Request to release payment of Rs.49,20,600/-.
Cost reimbursed for publication of advertisement all over India inviting claims of Heera Group	Rs.24,51,910
Cost towards Photostat charges of reported and reimbursed so far --- Further photo stating of claims under progress. Copies of 7298 claims were provided to the petitioner on her request. Another 3100 photostat copies of claims are ready delivery. Petitioner has been duly informed and She yet to take delivery of the same. On completion of work, additional cost to be reimbursed to be submitted.	Rs.2,24,908
Cost of Paper reported and reimbursed so far	Rs.1,40,965
Total	Rs.1,42,99,193
Balance available in the deposit account	Rs.4.57 Cr approx."

14 With the aforesaid, all the captioned petitions/appeals stand dismissed.

15 Pending applications, if any, stand disposed of.

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
October 18, 2024
GKA

ITEM NO.7

COURT NO.10

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 761-762/2021

THE STATE OF TELANGANA REPBY SPECIAL OFFICER
 VANDHANA & ORS.

Appellant(s)

VERSUS

M/S HEERA GOLD EXIM PRIVATE LIMITED & ORS.

Respondent(s)

(IA No. 164287/2023 - INTERVENTION APPLICATION)

WITH

W.P.(Crl.) No. 31/2020 (X)

(FOR INTERVENTION/ IMPLEADMENT ON IA 140775/2023 FOR APPROPRIATE
 ORDERS/DIRECTIONS ON IA 140776/2023 FOR INTERVENTION APPLICATION ON
 IA 153794/2023 FOR INTERVENTION APPLICATION ON IA 155403/2023 FOR
 APPROPRIATE ORDERS/DIRECTIONS ON IA 155405/2023 IA No. 140776/2023
 - APPROPRIATE ORDERS/DIRECTIONS IA No. 155405/2023 - APPROPRIATE
 ORDERS/DIRECTIONS IA No. 153794/2023 - INTERVENTION APPLICATION IA
 No. 155403/2023 - INTERVENTION APPLICATION IA No. 140775/2023 -
 INTERVENTION/IMPLEADMENT)

SLP(Crl) No. 5966-5967/2021 (II)

SMC(C) No. 4/2023 (XVII)
 (FOR ADMISSION)

Date : 18-10-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
 HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s) By Courts Motion, AOR

Mr. Amrish Kumar, AOR

Ms. Devina Sehgal, AOR

Mr. Vineet George, Adv.

Mr. Dp Singh, Sr. Adv.
 Mr. Avatar Singh Rawat, Sr. Adv.
 Mr. Archit Singh, Adv.
 Ms. Yashika Varma, Adv.
 Mr. Ashish Singh, Adv.
 Mr. Sadashiv, AOR

Mr. Vikas Singh, Sr. Adv.
 Mr. Varun Singh, Adv.
 Mr. Mohammad Atif Ahmad, Adv.
 Mr. Nitin Saluja, AOR
 Mr. Akshay Dev, Adv.
 Ms. Deepeika Kalia, Adv.
 Ms. Vasudha Singh, Adv.
 Mr. Sudeep Chandra, Adv.

For Respondent(s) Mr. Mukesh Kumar Maroria, AOR

Mr. A.S. Rawat, Sr. Adv.
 Mr. Viplav Kumar Singh, Adv.
 Mr. Siddharth Singh, Adv.
 Mr. Madan Lal Daga, Adv.
 Mr. Rajesh Sonthalia, Adv.
 Mr. Rajeev Kumar Bansal, AOR

Mr. Amrish Kumar, AOR
 Mr. S.v Raju, A.S.G.
 Mrs. Sairica Raju, Adv.
 Mr. Ashutosh Ghade, Adv.
 Mr. Kanu Agrawal, Adv.
 Mr. Sughosh Subramanyam, Adv.
 Mr. Zoheb Hussain, Adv.
 Mr. Padmesh Mishra, Adv.
 Mr. Annam Venkatesh, Adv.

Ms. Devina Sehgal, AOR
 Mr. Veneet George, Adv.

Mr. Tushar Mehta, SG
 Mr. Suryaprakash V.Raju, A.S.G.
 Mr. Zoheb Hossain, Adv.
 Mr. Kanu Agrawal, Adv.
 Ms. Sairica Raju, Adv.
 Mr. Yuvraj Sharma, Adv.
 Mr. Sughosh Subramanyam, Adv.

Mr. Annam Venkatesh, Adv.
Mr. Arvind Kumar Sharma, AOR
Ms. Akshita Choubey, Adv.
Ms. Yashvi Sharma, Adv.
Mr. Mrigank Shekhar Mehta, Adv.
Mr. Kshitij Aggarwal, Adv.

Mr. Anand Dilip Landge, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

Mr. Guntur Pramod Kumar, AOR
Ms. Prerna Singh, Adv.
Mr. Dhruv Yadav, Adv.

Mr. D. L. Chidananda, AOR

Mr. Sadineni Ravi Kumar, AOR

Mr. Anuj Prakaash, Adv.
Mr. Niraj Dubey, Adv.
Mr. Pradum Kumar, Adv.
Mr. Kumar Mihir, AOR

Mr. Vikrant Singh Bais, AOR

Mr. Kamal Mohan Gupta, AOR
Mr. Mohd Zahid Hussain, Adv.
Mr. Abdul Mannan, Adv.
Mrs. Kumudni Priyadarshani, Adv.

Mr. Syed Mehdi Imam, AOR
Mr. Tabrez Ahmad, Adv.
Mr. Shane Elahi Turkey, Adv.
Mr. S. U. Abbas, Adv.

Mr. Vikas Singh, Sr. Adv.
Mr. Varun Singh, Adv.
Mr. Mohammad Atif Ahmad, Adv.
Mr. Nitin Saluja, AOR
Mr. Akshay Dev, Adv.
Ms. Deepeika Kalia, Adv.
Ms. Vasudha Singh, Adv.

Mr. Sudeep Chandra, Adv.

Mr. Shashibhushan P. Adgaonkar, AOR

Mr. Ramesh Kumar Mishra, AOR

Mr. Abdulla Naseeh V.T., AOR

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Mr. Ranjay Kumar Dubey, AOR

Mr. Avinash Sharma, AOR

Ms. Akanksha Kapoor, Adv.

Mr. Shane Ilahi Asif Ali Turkey, Adv.

Mr. Ibad Mushtaq, AOR

Mr. Anuj Prakaash, Adv.

Mr. Niraj Dubey, Adv.

Mr. Pradum Kumar, Adv.

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Mr. Alim Anvar, Adv.

Mr. Avinash Sharma, AOR

Ms. Akanksha Kapoor, Adv.

Mr. Shane Ilahi Asif Ali Turkey, Adv.

Mr. Md. Rashid Saeed, AOR

Ms. Muskan Mangla, Adv.

Ms. Rubina Jawed, Adv.

Mr. Aakarshan Aditya, AOR

Mr. Sadineni Ravi Kumar, AOR

Mr. Gaurav Goel, AOR

Mr. Saurabh Kirpal, Sr. Adv.

Mr. Pradeep Patil, Adv.

Mr. Abhikalp Pratap Singh, AOR

Mr. Kartikey, Adv.

Ms. Shubhangi Agrawal, Adv.

Mr. Utkarsh Kumar, Adv.

Ms. Gayatri Agrawal, Adv.

Mr. Naresh Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R
CRL.A. NOS 761-762/21 AND SLPD(CRL) NOS 5966-5967/2021 OF 2021 AND
WP (CRL) NO.31 OF 2020

- 1 The petitions/appeals stand dismissed in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)