

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 340 OF 2020
(Arising out of SLP (Cr1.) No. 6538/2019)

DOWNTOWN TEMPTATIONS PVT. LTD.

Appellant(s)

VERSUS

THE STATE OF WEST BENGAL

Respondent(s)

WITH

CRIMINAL APPEAL NO. 341 OF 2020
(Arising out of SLP (Cr1) No. 6508/2019)

O R D E R

1) Leave granted.

2) Having heard the learned counsel for both sides, the sealing that has taken place of the premises is admittedly for more than one year and not by the Magistrate as required by Section 18 of the Immoral Traffic (Prevention) Act, 1956. Furthermore, the reasoning of the High Court that immovable property can be seized under Section 102, Criminal Procedure Code, is contrary to the law declared in Nevada Properties Pvt. Ltd. vs. State of Maharashtra, 2019 SCC OnLine (SC) 1247.

3) On these grounds therefore, the High Court judgment is incorrect and is accordingly set aside.

- 4) The appeals are allowed.
- 5) The premises be handed back to the appellants within a period of one week from the date of receipt of copy of this order.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(S. RAVINDRA BHAT)

New Delhi;
February 24, 2020.

ITEM NO.42

COURT NO.4

SECTION II-B

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 6538/2019

(Arising out of impugned final judgment and order dated 24-05-2019 in CRR No. 2299/2018 passed by the High Court At Calcutta)

DOWNTOWN TEMPTATIONS PVT. LTD.

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL

Respondent(s)

IA No. 113244/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 109259/2019 - PERMISSION TO FILE LENGTHY LIST OF DATES

WITH

SLP(Cr1) No. 6508/2019 (II-B)

(FOR PERMISSION TO FILE LENGTHY LIST OF DATES ON IA 108816/2019)

Date : 24-02-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. R.S. Suri, Sr. Adv.
Mr. Abhishek Singh, AOR
Mr. Aditya Giri, Adv.

For Respondent(s) Mr. Soumya Chakraborty, Sr. Adv.
Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Ms. Liz Mathew, Adv.
Mr. Abhishek Manchanda, Adv.
Ms. Kajal Dalal, Adv.
Mr. Nishit Shah, Adv.
For M/s. PLR Chambers And Co., AOR

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

Leave granted.

The appeals are allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
AR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed order is placed on the file)