

IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO. 75/2020

RADHEY SHYAM

PETITIONER(S)

VERSUS

STATE OF HARYANA & ORS.

RESPONDENT(S)

WITH

WRIT PETITION (CRIMINAL) NO.140/2022**O R D E R**

In these writ petitions filed under Article 32 of the Constitution of India, the principal relief claimed is regarding clubbing of all the FIRs registered in connection with the Network Marketing Scheme in different States and for grant of bail respectively. The details of said FIRs are as follow: -

S.NO.	FIR	DATE	DISTRICT / PS	OFFENCES
STATE 1 – HARYANA				
1.	358/2018	08.09.2018	Dist. Fatehabad, PS Sadar Fatehabad	120-B, 34, 420 IPC, 4, 5, 6 PC & MCSBA

2.	859/2018	09.09.2018	Dist. Hisar, PS Hisar City	406, 420, 506 IPC
3.	681/2018	11.09.2018	Dist. Bhiwani, P S Bhiwani Sadar	420, 120-B IPC, 4, 5, 6 PC & MCSBA, 3 the Haryana Protection of Interest of Depositors in Financial Establishment t Act, 2013
4.	155/2019	09.04.2019	Dist. Hisar, PS HTM, Hisar	120-B, 406, 420, 467, 468, 471, 506 IPC 3, 4, 5, 6 of PC & MCSBA
5.	479/2019	22.09.2019	Dist. Hisar, PS HTM, Hisar	34, 406, 420, 467, 468, 470, 471 IPC
6.	67/2020	01.02.2020	Dist. Sirsa, PS Sirsa City	406, 420, 120-B IPC
7.	810/2020	22.09.2020	PS Model Town Panipat.	Sections 406, 420, 120B IPC
8.	FIR No. 34/2020	2020	Chapar, Dist. Yamuna Nagar	406, 120-B, 409 IPC
9.	FIR No. 417/2020	2020	Kotwali, Dist. Faridabad	406, 420 IPC
STATE 2 – TELANGANA				
10.	710/2018	30.08.2018	Dist. Cyderabad, PS Kukattapally	420 IPC
11.	541/2018	04.09.2018	Dist. Cyderabad, PS Chandanagar	420 IPC, 4, 5, 8 r/w 3 PC & MCSBA
12.	768/2018	14.09.2018	Dist. Cyderabad, PS Mailardevpal ly	420 IPC, 4, 5, 6 r/w 3, 2 (C) PC & MCSBA

13.	643/2018	15.10.2018	Dist. Cyderabad, PS Ramachandr apuram	406, 420 r/w 34 IPC, 4, 5, 6 r/w 3 PC & MCSBA
STATE 3 – MAHARASHTRA				
14.	146/2018	26.11.2018	Dist. Dhule, PS Chalisingaon Road	420, 34 IPC
15.	312/2019	03.06.2019	Dist. Aurangabad, PS Sidco	406, 420, 34 IPC, 66-D, 67 IT Act, 3, 4 Maharashtra Protection of Depositors Act, 1999, 4, 5B, 6 PC & MCSBA
16.	273/2019	07.10.2019	Dist. Jalgaon, City Jalgaon	420, 34 IPC
17.	151/2019	2019	Chopda City (Jalgaon)	34, 420 IPC
18.	353/2019	2019	Vishrambagh, Dist. Pune	420 IPC
19.	FIR No. 612/2019	2019	Mumbai, Dist. Mumbai	406, 409, 465, 420, 120-B, 34 IPC
STATE 4 - MADHYA PRADESH				
20.	198/2019	25.03.2019	Dist Neemuch, PS Neemuch Cantt.	420 IPC, 4, 6(1) Madhya Pradesh Protection of Depositors Interest Act, 2000
21.	206/2019	29.03.2019	Dist. Shadol, PS Kothwali Shadol	420, 34 IPC
22.	877/2019	22.11.2019	Dist. Damoh, PS Damoh	406, 420, 506, 120-B IPC
23.	47/2019	2019	Neemuch, Dist. Neemuch	420 IPC
24.	611/2020	2020	PS Khargaon, Dist. Khargaon	Sections 406 & 420 IPC
25.	76/2021	2021	Dist. Rewa, PS Rewa	Section 420 IPC

26.	128/2021	2021	Dist. Rewa, PS Rewa	Section 420 IPC
27.	FIR No. 245/2021	2021	Dist. Barwani, PS Barwani	420, 120-B IPC
28.	FIR No. 19/2021	2021	Dist. Bhopal, PS Bhopal	420, 120-B, 415 IPC
29.	FIR No. 443/2021	2021	Dist. Kota, PS Kota	406, 420, 409, 120-B IPC
30.	FIR No. 67/2021	2021	Dist. Mandsaur, PS Kotwali	406, 420, 409, 120-B IPC
STATE 5 – RAJASTHAN				
31.	305/2018	04.12.2018	Dist Hanuman Garh, PS Bhirani	406, 420 IPC, 4, 5, 6 PC & MCB
32.	322/2018	04.12.2018	Dist Ganga Nagar, PS Lalgarh Jatan	406, 420, 120-B IPC
33.	70/2019	23.01.2019	Dist. Udaipur, PS Ambamata	406, 420 IPC
34.	84/2019	09.02.2019	Dist. Bhilwara, PS Pratap Nagar	406, 420, 120-B IPC
35.	73/2019	10.04.2019	Dist Ganga Nagar, PS Lalgarh Jatan	406, 420, 120-B IPC
36.	197/2019	22.07.2019	Dist Hanuman Garh, PS Bhirani	406, 420, 467, 468, 471, 506, 120-B IPC, 3, 4, 5, 6 PC & MCSBA
37.	124/2019	03.08.2019	Dist Ganga Nagar, PS Ghumudwali	406, 420, 120-B IPC
38.	216/2019	10.08.2019	Dist Hanuman Garh, PS Bhirani	406, 420, 467, 468, 471, 506, 120-B IPC, 3, 4, 5, 6 PC & MCSBA
39.	371/2019	19.09.2019	Dist. Bhilwara, P S Gulapura	406, 420 IPC
40.	488/2019	18.11.2019	Dist. Bhilwara, P S Gulapura	406, 420 IPC

STATE 6 - ANDHRA PRADESH				
41.	1/2019	19.02.2019	Dist. Guntur, PS CID AP, Amravati Mangalagiri	406, 420, 120-B IPC, 4, 5 PC & MCSBA
STATE 7 – DELHI				
42.	41/2020	2020	Dist. North West, PS EOW Delhi	Section 420, 406, 120B IPC
STATE 8 – PUNJAB				
43.	48/2021	2021	Dist. Ludhiana, PS Sadar, Ludhiana	Sections 406 & 420 IPC, 4, 5 & 6 of the PCMCS Act
STATE 9 - UTTAR PRADESH				
44.	1142/2019	17.10.2019	Dist Gautam Budh Nagar, P.S. Bisarkh	Sections 406 & 420 IPC
45.	552/2019	2019	Pratapgarh	406, 420, 120-B, 384 IPC
STATE 10 – UTTARAKHAND				
46.	216/2020	2020	Dist. Dehradun, PS Dalanwala/Dohivala	406, 420 IPC
STATE 11- JHARKHAND				
47.	17/2019	03.06.2019	Dist. Poorvi Singbhum, PS Jamsedpur	409, 420, 385, 506, 34 IPC. 66(c)(d) IT Act, 2000
STATE 12 - HIMACHAL PRADESH				
48.	FIR No. 38/2021	2021	Sarkaghat, Dist. Mandi	420, 120-B, IPC

It is not in dispute that the first FIR in this regard was registered in Kukatpally Police Station, District Cyberabad, State of Telangana being FIR No. 710/2018 dated 30.08.2018.

As aforesaid, FIRs came to be registered in different States in due course of time.

FIRs registered in the State of Haryana additionally refer to the allegations constituting offence under the special law¹ [State enactment], to be tried by the Special Court(s). Same is the position in respect of States of Madhya Pradesh² and Maharashtra³.

Following the exposition of this Court in *Amish Devgan vs. Union of India & Ors.*⁴, we deem it appropriate in exercise of power under Article 142 of the Constitution of India, to direct clubbing of all the FIRs, which can proceed together for one trial as far as possible, as we are of the opinion that multiplicity of the proceedings will not be in the larger public interest. We may hasten to add that all the States have no objection for abiding

¹ Haryana Protection of Interest of Depositors (in Financial Establishment) Act, 2013

² Madhya Pradesh Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam, 2000

³ Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999

⁴ (2021) 1 SCC 1

with such dispensation.

The FIRs, referred to above, filed in different States under the Indian Penal Code, can proceed as one set of complaint treating FIR No. 710/2018 dated 30.08.2018 as the principal FIR. The FIRs registered subsequently in the State of Telangana and other States (except States of Haryana, Madhya Pradesh and Maharashtra), shall stand clubbed with the stated FIR No.710/2018 and treated as statement under Section 161 of the Code of Criminal Procedure. The investigating officer in criminal case arising from FIR No. 710/2018 will be free to file supplementary charge sheet after collation of all the records concerning other FIRs, which are clubbed in terms of this order. In the event, the Investigating Officer in other FIRs had already filed the Police report under Section 173 of the Code of Criminal Procedure before the concerned Court and the concerned Court had taken cognizance thereof, the said FIRs and criminal cases would also stand transferred and merged/clubbed along with case arising from FIR No. 710/2018, to be proceeded with in accordance with law. The investigating officer in the stated case

(Principal case) will be free to file supplementary charge sheet on the basis of material collated during investigation of other FIRs.

As regards the FIRs registered in the States having special enactments, the first FIR⁵ registered in the concerned State be treated as principal criminal case; and the remaining FIRs and criminal case in that State shall stand clubbed/merged with the principal FIR/criminal case and proceeded as one case, including with liberty to the Investigating Officer in connection with the principal FIR to file supplementary charge sheet after collation of all records.

Needless to observe that the other offences not part of special enactment can also be tried by the Special Court under the concerned State Legislation.

In other words, all cases in the State of

⁵ The details of first FIR registered in the concerned State are as under:

1. FIR No. 358/2018 dated 08.09.2018 registered u/s 120-B, 34, 420 IPC and 4, 5, 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 at PS Sadar Fatehabad, Dist. Fatehabad in Haryana
2. FIR No. 198/2019 dated 25.03.2019 registered u/s 420 IPC and 4, 6(1) Madhya Pradesh Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam, 2000 at PS Neemuch Cantt., Dist. Neemuch, Madhya Pradesh
3. FIR No. 146/2018 dated 26.11.2018 registered u/s 420, 34 IPC at PS Chalisgaon Road, Dist. Dhule, Maharashtra

Haryana will stand clubbed with FIR No. 358/2018 dated 08.09.2018, registered with Police Station Sadar, District Fatehabad, and be tried by Special Court at Fatehabad (Haryana). Similarly, all criminal cases arising from the FIRs filed at the different point of time in the State of Madhya Pradesh will stand clubbed with FIR No. 198/2019 dated 25.03.2019, registered with Police Station Neemuch Cantt., District Neemuch - to be tried by Special Court, Neemuch (Madhya Pradesh) and in the State of Maharashtra on the same lines will stand clubbed with FIR No. 146/2018 dated 26.11.2018 registered with Police Station Chalisgaon Road, District Dhule - to be tried by Special Court at Dhule (Maharashtra).

It is clarified that if the first FIR in the States of Haryana, Maharashtra and Madhya Pradesh, respectively, is registered in respect of offence under the general law and not special enactment, but as the subsequent FIRs are registered in connection with the special law offence, the same after clubbing must be tried under the special law by the Special Court(s).

It is also made clear that this direction is limited to general offences and not offences under the Prevention of Money Laundering Act, 2002, which has to proceed under a separate legislation and of which investigation is done by a separate investigating agency.

If any accused has been granted bail in connection with the principal FIR or criminal case arising therefrom, in which the other FIRs/criminal cases will stand clubbed/merged in terms of this order, the bail so granted must enure in his/her favour (of such accused) until the Court of competent jurisdiction cancels the same owing to supervening circumstances including breach of bail conditions.

Needless to observe that since the first FIR registered in the State of Maharashtra is limited to offence under the Indian Penal Code, but the subsequent FIR(s) contains allegation constituting offence under the special enactment⁶, it will be open to the Court trying the first case, which would stand transferred to Special Court at Dhule

⁶ Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999

(Maharashtra) in terms of this order, to insist for fresh bail application by the concerned accused in relation to offences under the special Act. That application can be decided on its own merits and in accordance with law.

The writ petitions are disposed of in the above terms.

Pending application(s), if any, shall stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(ABHAY S. OKA)

.....J
(J.B. PARDIWALA)

NEW DELHI;
MAY 12, 2022.

ITEM NO.4

COURT NO.3

SECTION X

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

WRIT PETITION(S)(CRIMINAL) NO(S). 331/2020

PRASHANT CHAGAN PATIL & ORS.

PETITIONER(S)

VERSUS

M/S FUTURE MAKER LIFE CARE PRIVATE
LIMITED & ORS.

RESPONDENT(S)

(IA No. 129904/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 170041/2021 - INTERVENTION APPLICATION
 IA No. 62825/2021 - INTERVENTION APPLICATION
 IA No. 29310/2021 - INTERVENTION APPLICATION
 IA No. 3250/2021 - INTERVENTION APPLICATION
 IA No. 125264/2020 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

WITH

W.P.(Cr1.) No. 75/2020 (X)

(IA No. 22460/2021 - AMENDMENT OF THE PETITION
 IA No. 12245/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 128933/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 32356/2020 - EXEMPTION FROM FILING O.T.
 IA No. 125174/2021 - EXEMPTION FROM FILING O.T.
 IA No. 22465/2021 - EXEMPTION FROM FILING O.T.
 IA No. 9223/2022 - GRANT OF BAIL
 IA No. 59475/2021 - GRANT OF BAIL
 IA No. 10044/2022 - INTERVENTION APPLICATION
 IA No. 120060/2020 - INTERVENTION APPLICATION
 IA No. 22463/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 22462/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND
 GROUNDS)

W.P.(Cr1.) No. 384/2021 (X)

(IA No. 115960/2021 - EXEMPTION FROM FILING O.T.)

W.P.(Cr1.) No. 476/2021 (X)

(IA No. 45411/2022 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 52005/2022 - EXEMPTION FROM FILING O.T.
 IA No. 45408/2022 - GRANT OF BAIL
 IA No. 148433/2021 - GRANT OF BAIL
 IA No. 148432/2021 - STAY APPLICATION)

W.P.(Cr1.) No. 533/2021 (X)

(IA No. 167691/2021 - EXEMPTION FROM FILING O.T.)

W.P.(Cr1.) No. 28/2022 (X)

(IA No. 11737/2022 - EXEMPTION FROM FILING O.T.
IA No. 11736/2022 - INTERIM BAIL)

W.P.(Cr1.) No. 40/2022 (X)
(IA No. 21113/2022 - AMENDMENT OF THE PETITION
IA No. 21115/2022 - EXEMPTION FROM FILING O.T.
IA No. 15329/2022 - EXEMPTION FROM FILING O.T.
IA No. 15328/2022 - STAY APPLICATION)

W.P.(Cr1.) No. 146/2022 (X)
(FOR ADMISSION and IA No.56294/2022-EXEMPTION FROM FILING
O.T.)

W.P.(Cr1.) No. 140/2022 (X)
(FOR ADMISSION and IA No.53279/2022-EXEMPTION FROM FILING
PROOF OF SURRENDER)

Date : 12-05-2022 These matters were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE J.B. PARDIWALA

For the Parties

Mr. Tushar Mehta, SG
Mr. K M Nataraj, ASG
Mr. Sree kumar C N, Adv
Mr. Sanjay kr. Visen, Adv
Mr. Sharath Narayan Nambiar, Adv
Mr. Mohammed Akhil, Adv
Mr. Arvind Kumar Sharma, AOR
Mr. G. S. Makker, AOR
Mr. M. K. Maroria, AOR

Mr. Siddharth Dave, Sr. Adv.
Ms. Indira Bhakar, Adv.
Ms. Vidhi Thakur, Adv.
Mr. Abhijeet Pandave, Adv.
Ms. Megha Karnwal, AOR
Ms. Viddusshi, Adv.

Mr. Siddharth Agarwal, Sr. Adv.
Ms. Priya Pathania, Adv.
Ms. Rashmi Bansal, AOR

Ms. Anjana Prakash, Sr. Adv.
Mr. Anurag Kishore, AOR
Mr. Abhishek Chaudhary, Adv.
Mr. Anuj Prakash, Adv.

Mr. Sushil Kumar, Sr. Adv.
 Mr. Puneet Jain, Adv.
 Ms. Christi Jain, Adv.
 Ms. Shruti Singh, Adv.
 Mr. Yogit Kamat, Adv.
 Mr. Mann Arora, Adv.
 Mr. Sumit Kumar, Adv.
 Ms. Pratibha Jain, AOR

Ms. Garima Prashad Sr Adv/AAG
 Ms. Ruchira Goel, AOR
 Ms. Shreyase Agarwal, Adv
 Mr. Yashasvi Virendra, Adv

Mr. Arunabh Chowdhury, Sr. Adv.
 Ms. Pallavi Langar, AOR
 Ms. Pragya Baghel, Adv.
 Mr. Abhishek Roy, Adv.
 Mr. Akshay, Adv.
 Mr. Akshat, Adv.

Mr. Nizam Pasha, Adv.
 Mr. Vaibhav Sethi, Adv.
 Mr. Faraz Maqbool, Adv.
 Ms. Priya Pathania, Adv.
 Mr. C. George Thomas, AOR

Mr. Purushottam Sharma, Adv.
 Mr. R. S. Solanki, Adv.
 Mr. Nityanand Mahto, Adv.
 Mr. Yashwant Singh Yadav, Adv.
 Mr. Randhir Kumar Ojha, AOR

Mr. Raj Singh Rana, AAG
 Mr. Pankaj Kumar Singh, Adv.
 Mr. Dinesh Kumar Mudgal, Adv
 Mr. Vishwa Pal Singh, AOR
 Mr. Surjeet Singh, Adv
 Mr. Vikas Gothwal, Adv
 Mr. Vishwa Pal Singh, AOR

Mr. S. Udaya Kumar Sagar, AOR
 Mr. Sweena Nair, Adv.
 Mr. P. Mohith Rao, Adv.

Dr. Monika Gusain, AOR

Mr. Anil Grover, Sr. AAG
 Ms. Bansuri Swaraj, AAG
 Ms. Noopur Singhal, Adv.
 Mr. Rahul Khurana, Adv.
 Mr. Satish Kumar, Adv.
 Mr. Suresh Kumar Bhan, Adv.

Mr. Sanjay Kumar Visen, AOR

Mr. Sachin Patil, AOR
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shewtal Shepal, Adv.
Mr. Risvi Muhammad, Adv.

Mr. Rahul Kumar, Adv.
Ms. Kavita Bhardwaj, Adv.
Ms. Pragati Neekhara, AOR

Mr. Gopal Jha, AOR

Ms. Ankita Chaudhary Dy. AG
Mr. Abhinav Srivastava, Adv.
Mr. Sunny Choudhary, AOR
Ms. Himanshi Shakya, Adv.

Mr. Mahfooz Ahsan Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. K. V. Girish Chowdary, Adv.
Ms. Rajeswari Mukherjee, Adv.

Mr. Ramendra Mohan Patnaik, AOR

Mr. Gaurav Agrawal, AOR

Mr. Jatinder Kumar Bhatia, AOR
Mr. Krishnam Mishra, Adv.
Mr. Param Kumar Mishra, Adv.

Ms. Jaspreet Gogia, AOR
Mr. Karanvir Gogia, Adv.
Mr. R. K. Rathore, Adv.

Mr. Karan Thakur Adv
Mr. Sameer Singh, Adv.
Ms. Neelam Singh Adv.
Mr. Vatsya Krishnaiya Adv.
Mr. Vijay Kumar Singh Adv,
Mr. Sahil Lochab, Adv.
Mr. Vivek Mishra, Adv.
Mr. Devendra Singh, AOR

Mr. Varinder Kumar Sharma, AOR
Mr. Shantanu Sharma, Adv.
Ms. Parul Sharma, Adv.
Mr. Bikash Chandra, Adv.
Mr. Dinesh Mohan Sinha, Adv.

Mr. Varun Thakur, Adv.
 Mr. Brajesh Pandey, Adv.
 Mr. Anilendra Pandey, AOR

Mr. Arup Banerjee, AOR

Mr. Mahesh Kumar, Adv
 Mr. Srinivas Kumar Bogisam, Adv
 Mr. Nikhilesh Kumar, Adv
 Ms. Devika Khanna, Adv
 Mrs. V.D. Khanna, Adv
 M/s VMZ Chambers, AOR

Ms. Rashmi S. Thakkar, AOR
 Mr. Hitesh Kumar Sharma, Adv.
 Mr. Akhileshwar Jha, Adv.
 Mr. E. Vinay Kumar, Adv.
 Ms. Deepti Rane, Adv.
 Ms. Suriti S. Sinde, Adv.
 Mr. Amit Kumar, Adv.

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

Writ Petition(s)(Criminal) No(s). 331/2020, 384/2021, 533/2021 & 146/2022 (ITEM NO.4,4.2,4.4, 4.7)

De-linked.

List these matters on 26.07.2022.

Liberty is granted to the parties to complete the pleadings/affidavits well in time.

W.P.(Cr1.)No.476/2021 (ITEM NO.4.3)

De-linked.

List this matter on 20.05.2022.

In the meantime, learned counsel for the respective States may file their response, if so advised.

W.P.(Cr1.)No.28/2022 (ITEM NO.4.5)

De-linked.

List this matter on 20.05.2022.

In the meantime, learned counsel for the respective States may file their response, if so advised.

W.P.(Cr1.)No.40/2022 (ITEM NO.4.6)

De-linked.

It is fairly accepted by learned counsel for the petitioner(s) that according to his information no case has been registered in the State of Haryana and is not, therefore, referred to in the present petition. Accordingly, State of Haryana is neither a necessary nor proper party, for which reason stands deleted from the array of the parties in this petition.

List this matter on 20.05.2022.

Learned counsel for the respondents-States are free to file response to this petition well in time.

W.P.(Cr1.) No. 75/2020 (ITEM NO.4.1) and W.P. (Cr1.)No.140/2022 (ITEM NO.4.8)

The writ petitions are disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)