

ITEM NO.15

COURT NO.11

SECTION II-B

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

Petition(s) for Special Leave to Appeal (CrI.) No. 9704/2021

(Arising out of impugned final judgment and order dated 14-10-2021 in SCRA No. 4808/2021 passed by the High Court Of Gujarat At Ahmedabad)

STATE BANK OF INDIA

Petitioner(s)

VERSUS

ASHISH MAHAVIR TAWAKLEY & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.163642/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.163643/2021-EXEMPTION FROM FILING AFFIDAVIT )

Date : 16-09-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Tushar Mehta, Ld. SG  
Mr. Sanjay Kapur, AOR  
Ms. Shubhra Kapur Adv.  
Ms. Megha Karnwal, Adv.  
Mr. Arjun Bhatia Adv.  
Ms. Akshata Joshi Adv.

For Respondent(s) Mr. Siddharth Luthra, Sr. Adv.  
Mr. Angaj Gautam, Adv.  
Mr. Chiranjivi Sharma, Adv.  
Mr. Madhav Ved, Adv.  
Mr. Pranaya Goyal, AOR

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

It has been pointed out during the course of submissions that after passing of the impugned order dated 14<sup>th</sup> October, 2021, the Respondent No.1 left India on 28<sup>th</sup> October, 2021. It has also been submitted on behalf of the Respondent No.1 that he has been standing with his affidavit of undertaking as duly recorded by the High Court in Paragraph 6.2 of the order impugned and, in continuity therewith, when a telephonic inquiry was made from the

Respondent No.1 by the Inspector, Central Bureau of Investigation, he responded by way of email dated 8<sup>th</sup> April, 2022. A copy of the print out of the said email has been placed before us for perusal. The same be placed on record. It has also been submitted on behalf of the Respondent No.1 that until now, he has not received any other notice or process from the Investigating Agency, i.e., the Central Bureau of Investigation.

Though learned counsel for the petitioner-Bank has strenuously argued in justification of the Look Out Circular issued by the Bank at the given stage but, without any other comments on the merits of the matter either way, when we find that as per the force of the impugned order dated 14<sup>th</sup> October, 2021, the respondent No.1 has already left India but stands with his undertaking, no useful purpose would be served by entertaining this petition at the instance of the petitioner-Bank at this Stage.

However, we also make it clear that even when we are not entertaining this petition at this stage at the instance of the petitioner-Bank, any other proposition or challenge by the Investigating Agency, i.e., the Central Bureau of Investigation, if and when made, shall be examined on its own merits.

The special leave petition stands dismissed subject to the observations foregoing.

All pending applications also stand disposed of.

(GULSHAN KUMAR ARORA)  
AR-CUM-PS

(RANJANA SHAILEY)  
COURT MASTER (NSH)