

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
M.A. NO. 1487 OF 2017
IN
CRIMINAL APPEAL NO. 2012 OF 2017

YOGESH MITTAL

Appellant (s)

VERSUS

ENFORCEMENT DIRECTORATE

Respondent(s)

O R D E R

Having heard the learned counsel appearing for the parties, we set aside the judgment and order dated 14.09.2017 of the High Court inasmuch, as after recording in paras 76 & 77 that the appellant was remanded for more than 15 days in one go and that a clear/specific endorsement was necessary and without that having been recorded, the remand was illegal, yet the Court went on to state that for the fault of the Court, the prosecution cannot be made to suffer. Another major departure from settled procedure was that the order of remand was permitted to be recorded by the Reader of the Court which would, according to the High Court, only be an irregularity and not an illegality, which is obviously incorrect in law.

We are, therefore, of the considered view that, in the interest of justice, this order is set aside and the matter is remanded for hearing afresh by the High Court. All contentions are kept open to both the parties. We request the High Court to decide the matter as expeditiously as possible.

Application is disposed of accordingly.

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

.....
(NAVIN SINHA)

New Delhi;
December 11, 2017.

ITEM NO.53

COURT NO.12

SECTION II-C

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

M.A. 1487/2017 in Criminal Appeal No. 2012/2017

YOGESH MITTAL

Petitioner(s)

VERSUS

ENFORCEMENT DIRECTORATE

Respondent(s)

(FOR [APPLICATION FOR SEEKING CLARIFICATION IN THE JUDGMENT DATED 23.11.2017] ON IA 129202/2017 and IA No.132145/2017-CLARIFICATION/DIRECTION)

Date : 11-12-2017 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Mukul Rohtagi, Sr. Adv.
 Mr. Saurabh Kirpal, Adv.
 Mr. Sanjay Agarwal, Adv.
 Mr. Sameer Rohatgi, Adv.
 Mr. Ashish Batra, Adv.
 Mr. Amit K. Nain, AOR

For Respondent(s) Ms. Pinky Anand, ASG
 Ms. Binu Tamta, Adv.
 Ms. Shirin Khajuria, AOR
 Ms. Sanskriti Bhardwaj, Adv.
 Ms. Ayushi Gaur, Adv.
 Mr. Hemant Arya, Adv.
 Mr. B. Krishna Prasad, AOR

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

Application is disposed of in terms of the signed order.

(R. NATARAJAN)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)