

ITEM NO.35

COURT NO.7

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 19/2020

(Arising out of impugned final judgment and order dated 20-11-2019 in WA No. 511/2019 passed by the High Court Of Chhatisgarh At Bilaspur)

THE STATE OF CHHATTISGARH &amp; ORS.

Petitioner(s)

VERSUS

NATIONAL INVESTIGATIVE AGENCY

Respondent(s)

(FOR ADMISSION and I.R. and IA No.1000/2020-EXEMPTION FROM FILING O.T. )

Date : 06-03-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Vivek K. Tankha, Sr. Adv.  
Mr. Sumeer Sodhi, AOR  
Mr. Prashant Shivrajan, Adv.  
Mr. Ashish Tiwari, Adv.  
Ms. Suditi Batra, Adv.

For Respondent(s)

Mr. K.K. Venugopal, Ld. A.G.  
Mr. Tushar Mehta, Ld. S.G.  
Mr. K.M. Nataraj, Ld. ASG  
Mr. Akshay Amritanshu, Adv.  
Mr. Ankur Talwakar, Adv.  
Mr. Kanu Agrawal, Adv.  
Ms. Chinmayee Chandra, Adv.  
Mr. Bub Das, AOR  
Mr. B. V. Balaram Das, AOR

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

Heard learned counsel for the parties.

Learned Attorney General would submit that the stated

investigation has already been taken over by the National Investigation Agency (for short 'NIA') pursuant to order dated 16.05.2019. Indisputably, the offences in question are scheduled offences and could be investigated by NIA in terms of this notification dated 16.05.2019.

That position is reinforced from the record before us.

At this distance of time, we decline to examine the wider legal questions, raised in this special leave petition, which, any way, would be answered in the original suit filed by the petitioner-State of Chhattisgarh being Original Suit No. 1 of 2020.

We say so because, we do not intend to disrupt the investigation already taken over by the NIA some time back and which may be at an advanced stage.

Needless to observe that the action taken by the NIA would be subject to the declaration sought by the petitioner in Original Suit No. 1 of 2020.

It is made clear that the observations made by the High Court including qua the petitioners herein are contextual and ought not to affect the action which has proceeded on the basis of notification dated 16.05.2019.

We dispose of this Special Leave Petition, leaving all questions of law open.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)  
COURT MASTER (SH)

(VIDYA NEGI)  
COURT MASTER (NSH)