

ITEM NO.11 Court 9 (Video Conferencing)

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 (CrI.) No(s). 2693/2021

(Arising out of impugned final judgment and order dated 15-03-2021 in CRMM No. 40489/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

JIMMY SUBAWALLA &amp; ORS.

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION &amp; ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.44327/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT )

Date : 06-04-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.  
Mr. Anand Mishra-1, AOR

For Respondent(s) Mr. Arjun Grover, Adv.  
Mr. harshit Khanduja, Adv.  
Ms. Gauri Neo Rampal, AOR  
Mr. Jasmeet S Chadha, Adv.

UPON hearing the counsel the Court made the following

## O R D E R

The petitioners sought quashing of the FIR No. RCCHG2014A0021 dated 09.12.2014 under Section 120-B

of the IPC read with Section 420 IPC and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 as well as report under Section 173 Cr.P.C. dated 10.10.2016 and further proceedings pending before the Special Judge, CBI, Chandigarh.

The aforesaid proceedings remained pending for more than 6 years and ultimately resulted in dismissal of the Criminal Miscellaneous No. 40489/2016 on 15.03.2021 by the impugned judgment.

The first contention raised by learned counsel for the petitioner is that upto the beginning of page 11, it is only the rival submissions of the parties and the conclusion arrived at is only in the next paragraph on page 11 observing that the present case is not one for quashing of proceedings in view of the parameters laid down by this Court in State of Haryana & Ors. v. Bhajan Lal & Ors., 1992 Suppl. (1) SCC 335.

In so far as the aforesaid plea is concerned, one may say it is a catch-22 situation. If the Court goes into an elaborate discussion, the petitioners would have come before this Court saying that trial will be prejudiced. Now the order is cryptic so that is the grievance made. We may however say that it is normally advisable to give a brief reasoning. Be that it may, we are not inclined

to interfere on that account.

The second plea sought to be raised is there is a direction passed by the trial Court to conclude the trial preferably within two years on account of the matter remaining stayed for such a long period of time. It is the submission of the learned senior counsel that even the charges have not been framed and thus the question of concluding trial would only arise if charges are framed.

We may clarify the directions cannot be considered as directions to frame charges and it is for the trial court, after hearing the parties, on the material placed before it to frame charges or not. However, the direction that in case charges are framed to conclude the trial within a period of two years stands.

The last prayer made was on account of the direction made as under :

"The order dated 18.05.2017 and 24.09.2019 in CWP No. 13565 of 2015 and Review Application No. 241 of 2019 tiled as M/s Selvel Media Services Pvt. Ltd. vs. The Municipal Corporation, Chandigarh and others or any award of Sole Arbitrator, if passed, will not be looked into evidence by the trial Court."

We are of the view the aforesaid direction is

not really called for in the present proceedings and the award of the Arbitrator will be worked out in accordance with law. The aforesaid para/direction thus stands deleted.

The special leave petition stands disposed of accordingly.

Pending application stands disposed of.

(CHARANJEET KAUR)  
ASTT. REGISTRAR-cum-PS

(POONAM VAID)  
COURT MASTER (NSH)