

ITEM NO.301 to 307 Court 3 (Video Conferencing) SECTION II-A

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 (Cr1.) No(s). 4634/2014

(Arising out of impugned final judgment and order dated 30-04-2014 in CRLA No. 1132/2012 passed by the High Court Of Judicature At Bombay)

VIJAY MADANLAL CHOUDHARY & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

W.P.(Cr1.) No. 145/2020 (X)

IA No. 51385/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT

IA No. 60275/2020 - APPLICATION FOR TAGGING/DETAGGING

IA No. 51384/2020 - EX-PARTE AD-INTERIM RELIEF

IA No. 60276/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 58550/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 52911/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 52909/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 58549/2020 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

SLP(C) No. 10887/2021 (IX)
(FOR ADMISSION and I.R.)

W.P.(Cr1.) No. 301/2021 (X)

IA No. 83801/2021 - EX-PARTE STAY

IA No. 83803/2021 - EXEMPTION FROM FILING O.T.)

W.P(Cr1) No(s). 303/2021

(FOR ADMISSION and IA No.83990/2021-STAY APPLICATION and IA No.83996/2021-EXEMPTION FROM FILING AFFIDAVIT.

SLP (Cr1.) No(s). 5457/2021

(FOR ADMISSION and I.R. and IA No.89451/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.89452/2021-EXEMPTION FROM FILING AFFIDAVIT)

SLP(Cr1) No. 5652/2021 (II-C)

(FOR ADMISSION and I.R. and IA No.92919/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP (Cr1.) No(s). 5696-5697/2021

(FOR ADMISSION and I.R. and IA No.93552/2021-EXEMPTION FROM FILING

C/C OF THE IMPUGNED JUDGMENT and IA No.93554/2021-EXEMPTION FROM FILING O.T. and IA No.93550/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

**W.P.(Cr1) No(s). 323/2021
(FOR ADMISSION)**

**SLP(Cr1.) No(s). 10627/2019
(FOR ADMISSION and I.R.)**

**SLP(C) No(s). 12468/2021
(FOR ADMISSION and I.R. and IA No.97592/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.97599/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

Date : 19-08-2021 These petitions were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE KRISHNA MURARI
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN**

For Parties

**Mr. Tushar Mehta, SG
Mr. S.V. Raju, ASG
Mr. Aman Lekhi, ASG
Mr. Mukesh Kumar Maroria, AOR
Mr. Kanu Agarwal, Adv.
Mr. Zoheb Hussain, Adv.
Mr. Anshuman Singh, Adv.
Mr. Rajat Nair, Adv.**

**Mr. Tushar Mehta, SG
Mr. S.V. Raju, ASG
Mr. Aman Lekhi, ASG
Mr. Mukesh Kumar Maroria, AOR
Mr. Kanu Agarwal, Adv.
Mr. Zoheb Hussain, Adv.
Mr. Anshuman Singh, Adv.**

**Mr. Tushar Mehta, SG
Mr. S.V. Raju, Ld. ASG.
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Mr. Kanu Agrawal, Adv.
Mr. Arvind Kumar Sharma, Adv.**

**Mr. S. V. Raju, Sr. Adv.
Ms. Aastha Mehta, Adv.
Mr. Aniruddha P Mayee, AoR**

Mr. Siddharth Luthra, Sr. Adv.

Mr. Arshdeep Singh, Adv.
 Mr. Aditya Chopra, Adv.
 Mrs. Priya Puri, AOR
 Mr. Vibhav Srivastava, Adv.
 Mr. Sharad Puri, Adv.
 Mr. Yati Sharma, Adv.
 Mr. Ranjay Dubey, Adv.

Mr. Siddhartha Dave, Sr. Adv.
 Mr. Manish Desai, Adv.
 Ms. Nidhi Singh, Adv.
 Mr. Utsav Mukherjee, Adv.
 Ms. Smriti Churiwal, Adv.
 Ms. Megha Tyagi, Adv.
 Ms. Sonal More, Adv.
 Mr. Shubham Mhatre, Adv.
 Ms. Deepti Babel, Adv.
 Mr. Pulkit Agarwal, AOR
 Mr. Sudhanshu Kaushesh, Adv.

Mr. Vikram Chaudhri. Sr. Adv.
 Mr. Harshit Sethi. Adv
 Mr. Vikash Goyat, Adv.
 Ms. Seema, Adv.
 Dr. Surender Singh Hooda, AOR

Mr. Siddharth Luthra, Sr. Adv.
 Mr. Ranjit Kumar, Sr. Adv.
 Mr. Prithvees MK, Adv.
 Mr. Nishanth Patil, AOR
 Mr. Ashif Ahmad, Adv.
 Mr. Bharat Monga, Adv.
 Mr. Vidit Monga, Adv.
 Ms. Shubhika Saluja, Adv.

Mr. Mukul Rohatgi, Sr. Adv
 Mr. Mahesh Agarwal, Adv
 Mr. J. Sivanandaraaj, Adv
 Mr. Mohd. Nizam Pasha, Adv
 Mr. Anshuman Srivastava, Adv
 Ms. Ridhhima Ssharma, Adv
 Mr. Ahmad Ibrahim, Adv
 Mr. Aravind Mohan Kumar, Adv
 Mr. Sahil Reddy, Adv
 Mr. E C Agrawala, AOR

Dr. Abhishek Manu Singhvi, Sr. Adv.
 Mr. Harin Raval, Sr. Adv
 Mr. Balaji Subramanian, Adv.
 Mr. Amit Bhandari, Adv.
 Mr. Avishkar Singhvi, Adv.
 Ms. Ishani Banerjee, Adv .
 Mr. A. Lakshminarayanan, AOR

Mr. Shyam Divan, Sr. Adv.
 Mr. Massom K. Shah, Adv.
 Mr. Udit Gupta, Adv.
 Mr. Anup Jain, Adv.
 Mr. Sudipto Sircar, Adv.
 For M/S. Udit Kishan And Associates, AOR

Mr. Puneet Jain, Adv.
 Ms. Christi Jain, AOR

Mr. Nikhil Jain, AOR

Mr. S. Hari Haran, Adv.
 Mr. Naveen Malhotra, Adv.
 Ms. Jaikriti S. Jadeja, AOR

Mr. M. T. George, AOR

Mr. Tushar Mehta, SG
 Mr. S.V. Raju, ASG
 Mr. Aman Lekhi, ASG
 Mr. Mukesh Kumar Maroria, AOR
 Mr. Kanu Agarwal, Adv.
 Mr. Zoheb Hussain, Adv.
 Mr. Anshuman Singh, Adv.

Mr. A.P.Singh, Adv.
 Mr. Shreyansh Rathi, Adv.
 For M/S. M. V. Kini & Associates, AOR

Mr. Balaji Srinivasan, AOR

Mr. O. P. Gaggar, AOR

Mr. Sachin Patil, AOR

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

W.P.(Cr1.) No. 145/2020

Mr. S.V. Raju, learned Additional Solicitor General, has personal difficulty in appearing in this matter. Hence, a request for adjournment is made.

As requested, list this matter on 03.09.2021 at 2:00 p.m., before this Bench.

SLP(C) No. 10887/2021

The petitioners to place on record copy of the subsequent order dated June 19, 2020 passed by this Court in *S. Kasi vs. State Through The Inspector of Police Samaynallur Police Station Madurai District* reported in (2020) SCC Online SC 529.

List this matter on 03.09.2021 at 2:00 p.m., before this Bench.

W.P.(Cr1.) No. 301/2021

As requested by learned counsel for the petitioners, list this matter on 3rd September, 2021 at 2:00 p.m., before this Bench.

In the meantime, affidavit be filed, if so advised.

W.P(Cr1) No.303/2021

Mr. Vikram Chaudhari, learned senior counsel for the petitioner, has invited our attention to order dated 17.12.2019 passed in Special Leave Petition (Cr1.) No.10627 of 2019 and submits that

similar interim protection be given to the petitioner herein as the facts and circumstances are similar to that petition.

Although, Mr. S.V. Raju, learned Additional Solicitor General, had opposed this prayer and would contend that it is necessary to take a re-look to the order dated 17.12.2019, for the time being, in the peculiar facts of this case, we would accede to the request of Mr. Vikram Chaudhari, learned senior counsel and grant interim relief on the same terms.

List this matter along with Special Leave Petition (Crl.) No.4634 of 2014 and connected cases.

SLP (Crl.) No(s). 5457/2021 and 5652/2021

Heard counsel for the parties.

The special leave petitions may proceed for hearing along with Special Leave Petition (Crl.) No.4634 of 2014 and connected cases.

As regards interim relief, *prima facie*, we are not inclined to accede to the argument that on account of quashing of the proceedings pertaining to scheduled offence *qua* the writ petitioner(s)/special leave petitioner(s), it must

follow that no offence under the provision of Prevention of Money Laundering Act, 2002 is made out or cannot be proceeded with.

Accordingly, the prayer for interim relief, as sought, cannot be countenanced.

However, the limited indulgence that can be shown is that the Authority/Court may proceed with the action against the petitioner(s) but shall not dispossess the petitioner(s) from the properties in question until further orders to be passed in the pending proceedings or to be modified at the appropriate stage, as the case may be.

Needless to observe that if the decision of the Authority/Court is adverse to the petitioner(s), they may take recourse to other appropriate remedy as may be permissible in law.

SLP (Cr1.) No(s).5696-5697/2021

The principal argument of Mr. Mukul Rohatgi, learned senior counsel, is that the High Court has failed to analyse the factual aspects of the matter, including the fact that the offence registered by C.B.I. is in September, 2018 yet the petitioner has not been arrested till date. The

ECIR was also registered in November, 2018 but the arrest has been effected only on 04.03.2021 and more so charge-sheet has already been filed after completion of investigation on 30.04.2021.

List these matters on 03.09.2021 at 2:00 p.m., before this Bench as learned Additional Solicitor General wants time to take instructions.

W.P. (Cr1.) No. 323/2021

No interim relief is pressed today.

List this matter along with Special Leave Petition (Cr1.) No.4634 of 2014 and connected cases.

SLP(Cr1.) No(s). 10627/2019

List this matter along with Special Leave Petition (Cr1.) No.4634 of 2014 and connected cases.

Interim order dated 17.12.20219 to continue, in the meantime.

SLP(C) No(s). 12468/2021

Heard Mr. Shyam Divan, learned senior counsel for the petitioner.

Mr. S.V. Raju, learned Additional Solicitor General, is connected through video conferencing. We request him to appear in the matter.

He prays for time to take instructions in the matter.

List this matter on 03.09.2021 at 2.00 p.m., before this Bench.

In the meantime, learned counsel for the petitioner to supply advance copy of the petition in the office of the learned Additional Solicitor General/Central Agency.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER