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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2133/2022

SATISH PEJAWAR

..... Petitioner

Through: Mr Bhagabati Prasad Padhy, Adv.

versus

SERIOUS FRAUD INVESTIGATION OFFICE Respondent

Through: Mr. Anurag Ahluwalia, CGSC along
with Mr. Danish Faraz Khan, Mr.
Nitin Agnihotri, Company Prosecutor
and Mr. Sriram Tiwari, Adv.

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+ W.P.(CRL) 2134/2022

SHAILENDRA SINGH

..... Petitioner

Through: Mr Bhagabati Prasad Padhy, Adv.

versus

SERIOUS FRAUD INVESTIGATION OFFICE Respondent

Through: Mr. Satya Ranjan Swain, Senoial
Panel Counsel for SFIO

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+ W.P.(CRL) 2136/2022

MALAY KUMAR AGRAWAL

..... Petitioner

Through: Mr Bhagabati Prasad Padhy, Adv.

versus

SERIOUS FRAUD INVESTIGATION OFFICE Respondent

Through: Mr. Amit Tiwari, Adv. for SFIO and
Mr. Arif Ansari, Prosecutor and Mr.
Tarun Srivastava, Adv.

W.P.(CRL) 2133/2022 & connected

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CORAM:
HON'BLE MS. JUSTICE POONAM A. BAMBA

ORDER
% **13.09.2022**

CRL.M.A. 18398/2022 in W.P.(CRL) 2133/2022 (Exemption from filing certified copies of Annexures/documents)

CRL.M.A. 18406/2022 in W.P.(CRL) 2134/2022 (Exemption from filing certified copies of Annexures/documents)

CRL.M.A. 18414/2022 in W.P.(CRL) 2136/2022 (Exemption from filing certified copies of Annexures/documents)

1.0 allowed subject to just exceptions. Applications are disposed of accordingly.

CRL.M.A. 18399/2022 in W.P.(CRL) 2133/2022 (Exemption from filing typed copies of dim annexures/documents and for leave to place on record documents with inadequate margins)

CRL.M.A. 18407/2022 in W.P.(CRL) 2134/2022 (Exemption from filing typed copies of dim annexures/documents and for leave to place on record documents with inadequate margins)

CRL.M.A. 18415/2022 in W.P.(CRL) 2136/2022 (Exemption from filing typed copies of dim annexures/documents and for leave to place on record documents with inadequate margins)

2.0 Typed copied of dim annexures be filed before the next date of hearing. Applications are disposed of accordingly.

CRL.M.A. 18397/2022 (stay) in W.P.(CRL) 2133/2022

CRL.M.A. 18405/2022 (stay) in W.P.(CRL) 2134/2022

CRL.M.A. 18413/2022 (stay) in W.P.(CRL) 2136/2022

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3.0 These are the applications under Section 482 Cr.P.C praying as under:

“a. stay the further proceeding in CC No. 770 of 2019 titled Serious Fraud Investigation Office vs Bhushan Steel Ltd. & Ors pending before ASJ-03 and Special Judge (Companies Act), South West, New Delhi;

b. Pass any other order as may be deemed fit in the facts and circumstances of the case.”

4.0 Learned counsel for the petitioners also submits that the respondent be restrained from taking any coercive action against the petitioners.

5.0 Same is strongly opposed by learned counsel appearing on behalf of SFIO.

6.0 Mr Amit Tiwari, Ld. counsel for SFIO submits that the petitioner's bail application is already pending and this application is seeking the same relief in the guise of stay.

6.1 Learned counsel appearing on behalf of SFIO submits that the petitioners are directors and are persons behind fraud to the tune of Rs.45,000/- crore.

6.2 It is also submitted that the summoning order was passed on 16.08.2019 and the same has been belatedly challenged only to stall the proceedings.

7.0 Summoning order was passed about three years ago and is challenged now. In view of the same and for the aforesaid reasons, I do not consider it appropriate to grant the relief as claimed vide these applications.

8.0 Applications are disposed of accordingly.

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9.0 These are the writ petitions under Article 226 of the Constitution of India read with Section 482 Cr.P.C challenging part of the summoning order dated 16.08.2019 passed by Learned ASJ-03 and Special Judge (Companies Act) Dwarka Court (SW), New Delhi, summoning the petitioners for commission of offences under Section 448 read with Section 447 of the Companies Act, 2013.

10.0 It is submitted that the petitioners were the employees of the accused no. 1 company during the period 2010-14. They could not have been made accused as the allegations were against the company and its directors.

11.0 Issue notice.

12.0 Mr. Amit Tiwari, Ld. counsel for SFIO, who has appeared on advance notice, accepts notice on behalf of SFIO.

13.0 Let reply/status report be filed within four weeks with advance copy to the learned counsel for the petitioner.

14.0 List on 15.12.2022.

POONAM A. BAMBA, J

SEPTEMBER 13, 2022/manju

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[Click here to check corrigendum, if any](#)

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