

GAHC010130042013



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 2779/2013

1: CANDID DRUG DISTRIBUTORS and 2 ORS
A PARTNERSHIP FIRM INCORPORATED AND REGISTERED UNDER THE
PROVISIONS OF THE INDIAN PARTNERSHIP FIRM ACT, 1932, AND HAVING
ITS REGISTERED OFFICE AT M.L. NEHRU PATH, PANBAZAR, GUWAHATI-
781001, ASSAM, BEING REP. BY ITS PARTNERS PRANAB KUMAR
BANERJEE AND SHRI GAUTAM BANERJEE.

2: PRANAB KUMAR BANERJEE

3: GAUTAM BANERJEE
BOTH PARTNERS OF PETITIONER NO. 1 FIRM AND R/O- M.L. NEHRU
ROAD
PANBAZAR
GHY- 1
ASSAM

VERSUS

1: THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, HOME
DEPTT., DISPUR- 781006, ASSAM.

2: THE STATE OF MAHARASTRA
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF MAHARASTRA
HOME DEPTT.
MANTRALAYA
MADAM CAMA ROAD
NARIMAN POINT
MUMBAI- 400021
MAHARASTRA.

3: THE COMMISSIONER OF POLICE
MUMBAI

POLICE COMMISSIONER'S OFFICE
OPP. CRAWFORD MARKET
MAIN BUILDING
D.N. ROAD
MUMBAI G.P.O.
MUMBAI- 400001.

4:UNICHEM LABORATORIES LTD.
REP. BY SHRI PRAKASH AMRUT MODY
CHAIRMAN CUM MANAGING DIRECTOR
HAVING ITS REGISTERED OFFICE AT UNICHEM BHAVAN
PRABHAT ESTATE
S.V. ROAD
JOGESHWARI EAST
MUMBAI- 400012

Advocate for the Petitioner : MR.I LAHIRI

Advocate for the Respondent : GA, ASSAM

Linked Case : MC 2508/2013

1:CANDID DRUG DISTRIBUTORS and 2 ORS

VERSUS

1:THE STATE OF ASSAM AND 3 ORS

Advocate for the Petitioner : MR.P SENGUPTA
Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 25.01.2019

Heard Mr. I. Kalita, learned counsel appearing on behalf of Mr. I. Choudhury, learned counsel for the petitioner.

With the consent of the other side, he prays for adjournment.

It appears from record that in this case by order dated 08.11.2013, the proceedings of CR Case No. 376/2012 under Sections 409/420//468/471/34 IPC pending in Oshiwara P.S. at Mumbai, Maharashtra has been stayed.

In view of the direction issued by the Hon'ble Apex Court in the case of *Asian Resurfacing of Road Agency Pvt. Ltd. Vs. Central Bureau of Investigation, AIR 2018 SC 2039*, directing that where stay of proceeding in a pending trial is operative, stay will automatically lapse from the date of stay order and further directing that the trial court may, on expiry of the above period, resume the proceeding without waiting for any other intimation unless express order extending stay is produced. Hence, this Court is inclined to observe that the stay of proceedings would stand lapse in terms of the aforesaid judgment of the Hon'ble Apex Court.

List on **28.02.2019**, as prayed for.

JUDGE

Comparing Assistant