

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 (Crl) No(s).445-448/2006

(From the judgment and order dated 03/01/2006 in Criminal Misc. Case Nos.2206, 2209, 2210 and 2211

of 2005 of The HIGH COURT OF KERALA AT ERNAKULAM)

M/S. SOUTHERN INVESTMENTS PVT.LTD.& ORS.

Petitioner(s)

VERSUS

HUDCO & ANR.

Respondent(s)

(With appln(s) for ex-Parte stay)

Date: 03/02/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr. Jawahar Lal Gupta, Sr. Adv.

Mr. Bechu Kurien Thomas, Adv.

Mr. Arvind Minocha, Adv.

Mr. George Cherian, Adv.

Mrs. Veena Minocha, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

We are not inclined to interfere with the impugned order. The

Special Leave Petitions are dismissed.

However, we see that the learned Single Judge has made certain

observations regarding the merit of the case whereas the criminal

proceedings are pending before the Magistrate and the recovery proceedings

at the Debt Recovery Tribunal (in short "DRT"). The observations made by

the learned Single Judge regarding the liability of the Petitioners may

influence the Magistrate or the DRT when the matters before them are

heard and decided on merits. We make it clear that these observations may

not have any persuasive force when matter is being considered by above

authorities.

Needless to add that the Petitioners would be given a reasonable opportunity of being heard in the pending criminal proceedings.

(K.K. Chawla)

Court Master

(Veera Verma)

Court Master