

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRLMP. 8605-8607 OF 2016

IN
CRIMINAL APPEAL NO(S).1714, 1715 & 1716 OF 2014

MRIGANK PANDEY @ CHUNNU

Appellant(s)

VERSUS

S.G.DOLE INTELLIGENCE OFFR.NCB & ANR

Respondent(s)

O R D E R

The instant applications are filed by the respondents-applicants seeking clarification of an order of this Court dated 12.8.2014. The said order was passed in a Reference by a Larger Bench. Further details of the order are not necessary for us but during the pendency of the SLPs which eventually led to the passing of the above mentioned order, the petitioners in the SLPs (SLP(Cr1.)No.3000/2012 and SLP(Cr1.)No.9114/2012 and SLP(Cr1) No.9374/2012) who are accused in criminal cases for charges of the violation of the NDPS Act were directed to be released on bail by an orders of this Court dated 24.9.2012 and 30.4.2013. The relevant portion of the order dated 24.9.2012 in Criminal Appeal No.1714 of 2014 arising out of SLP(Cr1.)No.3000/2012 reads as follows:

"Considering all the facts and circumstances of the case, it is ordered that during the pendency of the present petition, petitioner be released on bail on his furnishing personal bond in a sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the Trial Court."

The relevant portion of the order dated 30.4.2013 passed in Criminal Appeal No.1715/2014 @ SLP(Crl.)No.9114/2012 and Criminal Appeal No.1716/2014 SLP(Crl) No.9374/2012 reads as under:

"In the meantime, we direct release of the petitioners, (1) Madhathil Jacob and (2) Luis Carlos Aguilar, from custody, subject to their furnishing respective bail bonds in a sum of Rs.3 Lakh (Rupees three lakh) with two sureties by each of like amount to the satisfaction of the trial court. The petitioners shall abide by the further conditions:

(1) The petitioners, (1) Madhathil Jacob and (2) Luis Carlos Aguilar, shall deposit with the trial court, if not already deposited, their passports and file individual affidavits before the trial court to the effect that they are not holding any other passport except the one deposited.

(2) Both the petitioners shall report to the office of the N.C.B. at Ballard Pier, Mumbai, every Monday between 11 am to 12 noon, till the disposal of the special leave petitions.

(3) The petitioners shall furnish to the N.C.B. at Ballard Pier, Mumbai, their latest addresses and the changes, if any, from time to time as also their contact numbers.

Needless to say that this order shall remain, subject to the ultimate outcome of the special leave petitions in terms of the order that may be passed by the larger Bench."

It appears that when the High Court was considering the matter

pursuant to judgment dated 12.8.2014 passed by this Court by which the matters were remitted to the High Court after settling the question of law. It appears that the High Court entertained a doubt, whether the benefit of the bail orders granted on 24.9.2012 and 30.4.2013 was only confined to the period of the pendency of the SLPs before this Court or extend to the period until the disposal of the bail applications before the High Court

In the light of the above mentioned two orders, it is more than obvious that the bail granted to the appellants-accused was only during the pendency of the SLPs.

Having regard to the fact that after two years of remitting the matter to the High Court, the same is still languishing before the High Court, we, deem it appropriate to direct the accused persons to surrender forthwith before the High Court and pursue their remedy before it. The High Court will dispose of their applications in accordance with law.

.....J.

[J. CHELAMESWAR]

.....J.

[SHIVA KIRTI SINGH]

.....J.

[ABHAY MANOHAR SAPRE]

New Delhi;
July 22, 2016

ITEM NO.304

COURT NO.5

SECTION IIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CRLMP. 8605-8607/2016 in Criminal Appeal No(s).1714/2014,
1715/2014 & 1716/2014

MRIGANK PANDEY @ CHUNNU

Appellant(s)

VERSUS

S.G.DOLE INTELLIGENCE OFFR.NCB & ANR

Respondent(s)

(for clarification of court's court's order dated 12.08.2014 and
office report)

Date : 22/07/2016 These applications were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Appellant(s) Mr. Rishi Malhotra,Adv. (Not present)

For Respondent(s) Mr. N.K. Kaul,ASG
 Mr. Sanyat Lodha,Adv.
 Mr. T.C. Sharma,Adv.
 Mr. A. Deb Kumar,aDv.
 Mr. G.S. Makkar,Adv.
 Mr. Suryanarayana Patra,Adv.
 Mr. Manish Vashishtha,Adv.

Mr. Kaushal Narayan Mishra,Adv.
Mr. Nishant R. Katneshwarker,Adv.
Ms. Asha Gopalan Nair,Adv.

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

Crl.M.P.No(s).8605-8607/2016 IN Crl.A.No.1714,1715 & 1716
are disposed of in terms of the signed order.

Having regard to the fact that after two years of
remitting the matter to the High Court, the same is still
languishing before the High Court. We, deem it appropriate to
direct the accused persons to surrender forthwith before the High

Court and pursue their remedy before it. The High Court will dispose of their applications in accordance with law.

[O.P. SHARMA]
AR-cum-PS

[RAJINDER KAUR]
COURT MASTER

