

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).1363/2009

(From the judgement and order dated 23/04/2008 in CRLMC No.
73/2008 of The HIGH COURT OF DELHI AT N. DELHI)

INDIAN AIRLINES LTD.(NOW NACIL) Petitioner(s)

VERSUS

SATISH KUMAR & ORS. Respondent(s)

(With office report)
WITH SLP(Crl) NO. 1362 of 2009
(With appln. (s) for permission to file SLP and cancellation of
Bail and office report)

Date: 04/01/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. R. S. Suri, Sr. Adv.
Mr. Kripa Shankar Pd., Adv.
Mr. Chanchal Kumar Ganguli,Adv.

For Respondent(s) Mr. E.C. Agrawala,Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr.Kamal Chaudhary, Adv.
Mr. Gaurav Goel, Adv.
Mrs Anil Katiyar ,Adv

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

SLP (Crl.) NO.1363 of 2009

Heard learned counsel for the parties and perused the
record.

Although we do not approve of the observations
contained in para 11 of the impugned order passed by the
learned Single Judge of Delhi High Court suggesting that
the judgment of two-Judge Bench in N. Rangachari V. Bharat
Sanchar Nigam Ltd. 2007 (5) SCC 108 is inconsistent with

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an earlier judgment of the larger Bench of three-Judges
in SMS Pharmaceuticals Ltd. Vs. Neeta Bhalla 2005 (8) SCC
89, we do not consider it to be a fit case for exercise of
jurisdiction under Article 136 of the Constitution of
India.

The Special leave Petition is dismissed.

SLP (Crl.) NO.1362 of 2009

Learned counsel for the petitioner states that his
client may be permitted to withdraw the petition with
liberty to avail other remedies. The request made by the
learned counsel is accepted and the Special Leave Petition
is dismissed with liberty in terms of the prayer made.

(Neetu Sachdeva)
Sr. P.A.

(Mithlesh Gupta)
Court Master