

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 725 OF 2014  
(arising out of S.L.P. (Criminal) No. 2070 of 2007)

M/S PUNJAB STATE CIVIL SUPPLIES ..Appellant  
CORPORATION LIMITED

Versus

SATISH THAPAR & ORS. ..Respondents

O R D E R

Leave granted.

2. Learned senior counsel for the respondent Nos. 1 and 2 submits that respondent Nos. 1 and 2 had resigned from Directorship of the company on 03.04.1996. The First Information Report (FIR) does not disclose that crime was committed by the company before that date and, therefore, the impugned order does not call for any interference. In this regard, learned senior counsel for the respondents relies upon Annexure R-2, the Form submitted by the company under Section 303(2) of the Companies Act before the Registrar of Companies.

3. Since the above document was not before the High Court, it is difficult for us to examine the matter in light of that document.

4. Learned counsel for the appellant submits that the High Court was unnecessarily influenced by the fact that earlier FIR being FIR No. 86 dated 12.07.1995 was quashed by the High Court and a subsequent FIR No. 132 dated 29.07.1996 has been lodged. Learned counsel for the appellant further submits that, as a matter of fact, FIR No. 86 dated 12.07.1995 arose from a transaction different from the transaction out of which FIR No. 132 dated 29.07.1996 has arisen.

5. In our view, the matter requires careful re-consideration by the High Court.

6. We, accordingly, set aside the impugned order and restore Criminal Miscellaneous No. 12230-M of 2003 titled Satish Thapar & Another Vs. State of Punjab & Anr. to the file of the High Court of Punjab and Haryana.

7. We request the High Court to hear and decide the Criminal Miscellaneous Petition expeditiously.

8. Criminal Appeal is disposed of as above.

( R.M. LODHA ) .....J.

NEW DELHI; .....J.  
APRIL 1, 2014 ( SHIVA KIRTI SINGH )

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

Petition(s) for Special Leave to Appeal (Crl) No(s).1902-1907/2008

(From the judgement and order dated 10/09/2007 in CRLR No.627/2000, CRLR No. 631/2000, CRLR No.632/2000, CRLR No.633/2000, CRLR No.635/2000 and CRLR No.639/2000 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

ARJAN DEV & ORS.

Petitioner(s)

VERSUS

FOOD CORPORATION OF INDIA

Respondent(s)

(With appln(s) for stay,permission to place addl. documents on record,exemption from filing O.T. and office report)  
[FOR FINAL DISPOSAL]

WITH

SLP(Crl) NO. 1427 of 2008

(With appln.(s) for stay and bringing on record the additional facts and office report)  
[FOR FINAL DISPOSAL]

SLP(Crl) NO. 2070 of 2007

(With appln.(s) for bringing on record and office report)  
[FOR FINAL DISPOSAL]

Date: 01/04/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)

SLP 1902-1907/2008 &  
SLP 1427/2008

Mr. Nidhesh Gupta, Sr. Adv.  
Mr. Tarun Gupta, Adv.  
Ms. S. Janani,Adv.

SLP 2070/2007

Ms. Jayashree Wad, Adv.  
Mr. Ashish Wad, Adv.  
Ms. Kanika Baweja, Adv.  
Mr. Anshuman Srivastava, Adv. for  
M/S. J.S. Wad & Co.

For Respondent(s)

Mr. Ajit Pudussery,Adv.  
Ms. J. Pudussery, Adv.  
Mr. K. vijanan, Adv.  
Mr. M. Chandra Sekhar, Adv.

Mr. Nidhesh Gupta, Sr. Adv.  
Mr. Tarun Gupta, Adv.  
Ms. S. Janani,Adv.

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

S.L.P.(Criminal) Nos. 1902-1907 of 2008

Heard Mr. Nidhesh Gupta, learned senior counsel for the petitioners.

We find no ground to invoke our jurisdiction under Article 136 of the Constitution of India and interfere with the impugned order.

Special leave petitions are, accordingly, dismissed.

We, however, request the concerned Sub-Divisional Judicial Magistrate to proceed with the trial and conclude the trial as expeditiously as may be possible uninfluenced by the observations made by the High Court in the impugned order and the fact that these special leave petitions have been dismissed by this Court from that order.

S.L.P. (Criminal) No. 1427 of 2008

Heard Mr. Nidhesh Gupta, learned senior counsel for the petitioner.

We find no ground to invoke our jurisdiction under Article 136 of the Constitution of India and interfere with the impugned order.

Special leave petition is, accordingly, dismissed.

We, however, request the concerned Sub-Divisional Judicial Magistrate to proceed with the trial and conclude the trial as expeditiously as may be possible uninfluenced by the observations made by the High Court in the impugned order and the fact that this special leave petition has been dismissed by this Court from that order.

S.L.P. (Criminal) No. 2070 of 2007

Leave granted.

Criminal Appeal is disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

|(Rajesh Dham)  
|Court Master

| |(Renu Diwan)  
| |Court Master

(signed order in S.L.P. (Criminal) No. 2070 of 2007 is placed on the file)