

(ITEM NO.112

COURT NO.6

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 356 OF 2006

M/S ENBEE PLANTATION LTD. & ORS.

Appellant (s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., PERMISSION TO FILE ADDL. DOCUMENTS AND ADDL. AFF IDAVIT and office report)

WITH

APPEAL(CRL) NO. 357 of 2006(With office report)

Date: 13/09/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Appellant(s) Mr. Prashant Kumar, Adv.
Mr. Anurag Sharma, Adv.

For Respondent(s) Mr. Shankar Chillarge, AAG for
Ms. Asha Gopalan Nair, Adv.

Mr. Chander Shekhar Ashri ,Adv

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

The Appeals are dismissed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.356 OF 2006

M/s Enbee Plantation Ltd. & Others..Appellants

versus

State of Maharashtra & Others..Respondents

WITH

CRIMINAL APPEAL NO. 357 OF 2006

O R D E R

Heard learned counsel for the parties.

These Appeals have been filed against the impugned judgment and order dated 23rd March, 2004 passed by the High Court of Judicature at Bombay, Nagpur Bench, Nagpur in Application No.Nil of 2004 in Criminal Writ Petition No.180 of 2003 and 220/2003 respectively.

Respondents had filed the writ application before the High Court, inter alia, praying for a direction to the authorities constituted under Sections 3 & 4 of the Maharashtra Protection of Interests of Depositors (In Financial Establishments) Act, 1999 (for short 'the Act') to take appropriate action against the Directors of the appellant No.1-Enbee Plantation Limited. It is resisted by the appellants herein on the ground that the matter is pending before the Company Judge, Madhya Pradesh High Court. The High Court rejected the plea of the appellants and observed that the authorities shall act with fairness so as to achieve the object of the Act.

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The constitutional validity of the Act has been upheld by this Court in K.K. Baskaran vs. State represented by its Secretary, Tamil Nadu & Others, reported in (2011) 3 SCC 793.

We do not find any merit in these appeals and they are, accordingly, dismissed.

.....J.
[MARKANDEY KATJU]

.....J.
[CHANDRAMAULI KR. PRASAD]

New Delhi;.....J.
September 13, 2011[RANJANA PRAKASH DESAI]