

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.350-358 OF 2009

DIRECTOR OF ENFORCEMENT

... APPELLANT

VERSUS

NEMI CHAND JAIN @ CHANDRASWAMY

... RESPONDENT

With
Criminal Appeal No.360 of 2009

ORDER

The present appeals are filed by the Director of Enforcement and CBI against the revisional order passed by the Delhi High Court. By that revisional order the High Court confirmed the order passed by the trial court with some modifications.

The question was as to whether the accused Nemi Chand Jain @ Chandraswamy could be allowed to go to the foreign countries in view of the pending criminal cases against him. All those cases are neatly catalogued by the High Court in its order. The trial court on consideration granted the said permission. That order came to be challenged by the Enforcement Directorate and CBI before the High Court and the High Court has confirmed that order with some

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modifications. The High Court has inflicted conditions a) to g) and i) in Criminal Revision Petition Nos.753-761 of 2007 while in respect of Criminal Revision Petition No.772 of 2007 it has inflicted six more conditions. Considering over all effect and further considering the accused was earlier permitted to leave the country and he honoured the conditions by reporting back and making himself available for trial, we do not think that any interference is required in the matter. We have seen the conditions ourselves. Those conditions are sufficient in our opinion to safeguard the interest of the Enforcement Directorate and CBI except that the High Court has directed to furnish Fixed Deposit Receipts by way of security instead we would modify that condition by ordering that the accused shall deposit cash as ordered by the High Court.

ORDER

The appeals are disposed of in terms of the signed order.

(Pawan Kumar)
Court Master

(M.S.Negi)
Court Master

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(signed order is placed on the file)