

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.963 OF 2013
[Arising out of SLP(Crl) Nos.4164/2013

HASSAN ALI KHAN

Appellant(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 06th March, 2013, passed by the Bombay High Court, rejecting the petitioner's (now appellant) Criminal Application No.1815 of 2012, praying for bail on his being arrested in connection with Complaint No.1 of 2011, filed by the Union of India before the Special Judge, under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002.

The appellant is in custody for about three years and, although, he had been granted bail by the Bombay High Court, the same had been cancelled by this Court. However, the matter has not progressed much further and the appellant's prayer for bail has also, in the meantime, been rejected on the ground that the matter which was being placed before the court in the bail application could have been placed before the Supreme Court, when initially the bail granted to the appellant was cancelled.

Appearing in support of the appeal, Mr. Soli J.Sorabjee, learned senior counsel, pointed out that certain fresh developments took place after the order was passed by this Court cancelling bail.

On his part, the learned ASG, Mr. Sidharth Luthra, referred to an amendment effected to the Prevention of Money Laundering Act, 2002, with effect from 15th February, 2013, which has the effect of transferring the schedule offences listed in Part-B of the Schedule to Part A of the Schedule, which, therefore, brings such an offence within the restrictions imposed under Section 35 of the Act.

Having considered the submissions made on behalf of the parties and having regard to the fact that certain new developments have taken place after the order of this Court cancelling the bail granted to the appellant, we set aside the order passed by the High Court, which has not taken into consideration such subsequent material and remit the matter to the High Court with a request to hear out the bail application, as expeditiously as possible, since the appellant, as indicated hereinbefore, is in custody for about three years.

While reconsidering the appellant's prayer for grant of

bail, the High Court shall take into consideration the new facts and the amendment in the law, while deciding the matter afresh.

The parties will be entitled to produce before the High Court such fresh materials and make submissions thereupon, on all aspects, and the same will be looked into by the High Court while considering the petitioner's bail application afresh.

We make it clear that except for the observation that the appellant is in custody for about three years, no other part of this Order should in any way influence the final outcome of the bail application before the High Court.

The Criminal Appeal is disposed of, with the aforesaid observations.

(ALTAMAS KABIR)CJI.

(FAKKIR MOHAMED IBRAHIM KALIFULLA)J

(VIKRAMAJIT SEN)J

NEW DELHI;
July 17, 2013.

ITEM NO.6 COURT NO.1 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

Petition(s) for Special Leave to Appeal (Crl) No(s).4164/2013
(From the judgement and order dated 06/03/2013 in CRLA No.1815/2012, of
The HIGH COURT OF BOMBAY)

HASSAN ALI KHAN Petitioner(s)

VERSUS

UNION OF INDIA & ANR. Respondent(s)
(With appln(s) for permission to file additional documents and office
report))

Date: 17/07/2013 This Petition was called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Soli J.Sorabjee, Sr. Adv.
Mr. Amit Desai, Sr. Adv.
Mr. Ajay Choudhary, AOR
Mr. Ankit R.Kothari, Adv.
Mr. Nand Kishore, Adv.
Mr. Vijay Bhaskar Reddy, Adv.
Ms. Mannat Waraich, Adv.
Mr. Prashant P.Patil, Adv.
Mr. Ramakant Gaur, Adv.

For Respondent(s) Mr. Sidharth Luthra, ASG.
Mr. B. Krishna Prasad, AOR
Mr. Rajiv Nanda, Adv.
Mr. Pranay Agarwala, Adv.
Mr. Rajat Mathur, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The criminal appeal is disposed of in terms of the signed order.

(Sheetal Dhingra)
AR-cum-PS

(Juginder Kaur)
Assistant Registrar

[Signed order is placed on the file]