

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).6708/2010  
(From the judgement and order dated 29/07/2010 in CRLA No.1344/2010 of the  
HIGH COURT OF JUDICATURE AT BOMBAY)

BANSILAL S.KABRA

Petitioner(s)

VERSUS

GLOBAL TRADE FINANCE LTD.& ANR  
(With appln(s) for stay and office report )  
(for final disposal)

Respondent(s)

WITH SLP(Crl) NO. 628-629 of 2011  
(With appln.(s) for ex-parte stay and exemption from filing c/c of the  
impugned judgment)  
(for final disposal)

SLP(Crl) NO. 7518 of 2010  
(With appln.(s) for stay and vacating stay and office report)  
(for final disposal)

SLP(Crl) NO. 8818-8819 of 2010  
(With appln.(s) for stay and permission to file addl.documents and office  
report)  
(for final disposal)

Date: 07/02/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU  
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s)in Mr.Ashok Desai, Sr.Adv.  
SLP(Crl.)No.7518/2010 Mr.A.Mariarputham, Sr.Adv.  
Mr.Prakash Gokhlaney, Adv.  
Ms.Aruna Mathur, Adv.  
Mr.Yusuf Khan, Adv.  
For M/S Arputham,Aruna & Co., Advs.

For Petitioner(s)in Mr.Amar Dave, Adv.  
SLP(Crl.)No.6708/2010 Mr. P.S.Sudheer,Adv.  
Mr.Rishi Maheshwari, Adv.  
Mr.Abu John Mathew, Adv.  
Mr.Vikramaditya Bhaskar, Adv.

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For Petitioner(s)in Mr.Nitin Sangra, Adv.  
SLP(Crl.)Nos.8818-19/ Mr.Sangram Singh, Adv.  
2010 Mr.Gaurav Agrawal, Adv.

For Petitioner(s)in Mr.Jatin Zaveri, Adv.  
SLP(Crl.)No.8818-19/ Mr.Neel Kamal Mishra, Adv.  
2010

For Respondent(s) Mr.Ranjit Kumar, Sr.Adv.  
In SLP(Crl.)No.6708/ Mr.Hemant Sharma, Adv.  
2010 Mr.Yashpal Thakur, Adv.  
For Ms. Indu Sharma,Adv.

Ms. Asha Gopalan Nair ,Adv

in SLP(Crl.)No.7518/ Mr.C.U.Singh, Sr.Adv.  
2010 & 8818-19/2010 Mr.Ranjit Kumar, Sr.Adv.  
Mr.Siddharth Bhatnagar, Adv.  
Mr.Sunil D'Souza, Adv.  
Mr.Abhishek Ray, Adv.  
Mr.Kartik Bhatnaar, Adv.  
Mr.Jatin P.Shah, Adv.  
For M/S. Karanjawala & Co., Adv.

In SLP(Crl.)Nos. Mr.Vinay Navare, Adv.  
628-629/2011 Mr.Satyajeet Kumar, Adv.  
Mr.Keshav Ranjan, Adv.  
for Ms. Abha R. Sharma, Adv.

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

Leave granted in all the Special Leave Petitions.  
Hearing of the appeals is expedited.  
Crl.A.@ SLP(Crl.)No.8818-8819/2010:

By our order dated 19th September, 2012, we had directed the appellants to at least deposit a sum of Rs.30 lakhs out of the cheque amount said to be due with the respondent - Bank. We had also indicated that, if, for any reason, the said deposit is not made, the interim order dated 15.11.2010 granted by this Court shall stand vacated.

We are informed by Shri Ranjit Kumar, learned senior counsel appearing for the respondent-Bank that the appellants have not complied with the orders and directions issued by this Court.

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The Complaint Case No.1695/SS/2007, dated 11.9.2006 filed by the respondents pertains to the year 2006. The matter is pending since 2006 till today without there being any final orders passed by the concerned Court. It is for this reason that we now direct the Additional Chief Metropolitan Magistrate, Bellard Pier, Mumbai or the transferee Court to give priority to the aforesaid case and pass appropriate orders as expeditiously as possible and at any rate, within an outer limit of six months.

We further direct the learned Magistrate to send a copy of the orders passed to the Registry of this Court.

The Registry is directed to send a copy of this Court's order to the learned Magistrate forthwith.

Crl.A.@ SLP(Crl.)No.6708/2010:

By our order dated 19th September, 2012, we had directed the appellant to at least to deposit a sum of Rs.60 lakhs of the cheque amount said to be due to the respondent-association. We had also indicated that, if, for any reason, the said deposit is not made, the interim order dated 11.08.2010 granted by this Court shall stand vacated.

We are informed by Shri Ranjit Kumar, learned senior counsel appearing for the respondent-association that the appellant has not complied with the orders and directions issued by this Court.

The complaint CC No.4712/SS/2009, dated 9.7.2009 filed by the respondent pertain to the year 2009. The matter is pending since 2009 till today without there being any final orders passed by the concerned Court. It is for this reason that we now direct the Metropolitan Magistrate, 12th Court, Bandra, Mumbai or the transferee Court to give priority to the aforesaid case and pass appropriate orders as expeditiously as possible and at any rate, within an outer limit of six months.

We further direct the learned Magistrate to send a copy of the orders passed to the Registry of this Court.

The Registry is directed to send a copy of this Court's order to the learned Magistrate forthwith.

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CrI.A.@ SLP(CrI.)No.7518/2010:

By our order dated 19th September, 2012, we had directed the appellant to deposit 50% of the cheque amount to the respondent-bank. We had also indicated that, if, for any reason, the said deposit is not made, the interim order dated 09.09.2010 granted by this Court shall stand vacated.

We are informed by Shri C.U.Singh, learned senior counsel appearing for the respondent-Bank that the appellant has not complied with the orders and directions issued by this Court.

The complaint/Case No.1378/SS/2009, dated 16.03.2009 filed by the respondent-bank pertains to the year 2009. The matter is pending since 2009 till today without there being any final orders passed by the concerned Court. It is for this reason that we now direct the Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai or the transferee Court to give priority to the aforesaid case and pass appropriate orders as expeditiously as possible and at any rate, within an outer limit of six months.

We further direct the learned Magistrate to send a copy of the orders passed to the Registry of this Court.

The Registry is directed to send a copy of this Court's order to the learned Magistrate forthwith.

Crl.A.@ SLP(Crl.)Nos.628-629/2011:

We are informed by Shri Vinay Navare, learned counsel appearing for the respondent that the appellant has not complied with the orders and directions issued by this Court.

The Summary Criminal Complaint No.2605/09 and Summary Criminal Complaint No.2606/09, dated 18/08/2009 filed by the respondent pertains to the year 2009. The matters are pending since 2009 till today without there being any final orders passed by the concerned Court. It is for this reason that we now direct the Judicial Magistrate, First Class, Pune Cantonment, Pune or the transferee Court to give priority to

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the aforesaid cases and pass appropriate orders as expeditiously as possible and at any rate, within an outer limit of six months.

We further direct the learned Magistrate to send a copy of the orders passed to the Registry of this Court.

The Registry is directed to send a copy of this Court's order to the learned Magistrate forthwith.

(G.V.Ramana)  
Court Master

(Vinod Kulvi)  
Court Master