

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NOS.391-392/2018

ADJUDICATING AUTHORITY (PMLA) AND ORS. APPELLANTS

VERSUS

SHRI AJAY KUMAR GUPTA & ORS. RESPONDENTS

O R D E R

Issue notice which is accepted by learned counsel for the respondent.

Learned Solicitor General fairly states that since the proceedings before this Court arise from an order of attachment and there is acquittal in respect of predicate offence, the proceedings really would not survive.

In view of the aforesaid, the appeals filed by the Adjudicating Authority (PMLA) do not survive and are accordingly disposed of.

The trial Court record be sent back to the trial Court.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[ABHAY S. OKA]

NEW DELHI;
DECEMBER 02, 2022.

ITEM NO.29+34

COURT NO.2

SECTION II-C

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

Item No.29

Criminal Appeal No(s). 1269/2017

DIRECTORATE OF ENFORCEMENT

Appellant(s)

VERSUS

M/S OBULAPURAM MINING COMPANY PVT LTD

Respondent(s)

([ONLY IA NO. 142033/2022 IN SLP(CRL.) NO.-3474/2020 AND SLP(CRL.)
NO. -10627/2019 ARE TO BE LISTED ON 02.12.2022])

WITH

SLP(Cr1) No. 3474/2020 (II-C)

(FOR MODIFICATION OF COURT ORDER ON IA 142033/2022

SLP(Cr1) No. 10627/2019 (II-C)

IA No. 153931/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 145024/2021 - CLARIFICATION/DIRECTION)

Item No.34

Criminal Appeal No(s). 391-392/2018

[ONLY I.A. NO. 169392/2022 IA LISTED UNDER THIS ITEM ALONG WITH
ITEM NO. 29 I.E. Cr1.A. No. 1269/2017]

Date : 02-12-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE ABHAY S. OKA

For Appellant(s)

Mr. Tushar Mehta, SG

Mr. K.M. Natraj, ASG

Mr. Zoheb Hossain, Adv.

Ms. Deepabali Dutta, Adv.

Mr. Kanu Agrawal, Adv.

Mr. Rajan Kumar Chourasia, Adv.

Mr. Nakul Chengappa K.K., Adv.

Ms. Akriti A Manubarwala, Adv.

Mr. Mukesh Kumar Maroria, AOR

Mr. Kapil Sibal, Sr. Adv.

Mr. Siddhartha Dave, Sr. Adv.

Ms. Ranjeeta Rohatgi, AOR

Mr. Sourabh Tandon, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
 Mr. Aditya Dewan, Adv.
 Mr. Abhinav Agrawal, AOR

Mr. Atul Agarwal, Adv.
 Mr. Tarun Singh Rathore, Adv.
 Mr. Shailender Singh, Adv.
 Mr. Kumar Dushyant Singh, AOR

Mr. Parmatma Singh, AOR

Mr. B. Krishna Prasad, AOR

Mr. Syed Mehdi Imam, AOR

Mr. Devanshu Yadav, Adv.
 Mr. Avadh Bihari Kaushik, AOR

Mr. Chand Qureshi, AOR
 Mr. Rama Kant Sharma, Adv.
 Mr. Sanjay Saini, Adv.
 Mr. Nitin Raghuvanshi, Adv.
 Dr. Ramkishor Choudhary, Adv.

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

29.1
SLP(Cr1) No. 3474/2020 (II-C)

Learned Solicitor General has brought to our attention the order dated 16.12.2021 in SLP [CRL.] No.5596/2021 where one of us (Hon. Sanjay Kishan Kaul, J.) had recused and the present case relates to the predicate offence in respect of the same matter.

List before a Bench of one of us (Hon. Sanjay Kishan Kaul, J.) is not a Member.

Insofar as the urgent listing now is concerned, it is the prerogative of the Hon'ble the Chief Justice of India.

IA No. 153931/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 145024/2021 - CLARIFICATION/DIRECTION IN

SLP(Cr1) No. 10627/2019

Issue notice which is accepted by the learned counsel for the State.

Learned Solicitor General fairly states that since there is a closure report in respect of the predicate offence which has been accepted, the present proceeding will not survive and consequently the ECIR No.CEZ0/01/2017 stands quashed.

The application along with the Special Leave Petition stand disposed of.

Criminal Appeal No(s). 391-392/2018

Issue notice which is accepted by learned counsel for the respondent.

Learned Solicitor General fairly states that since the proceedings before this Court arise from an order of attachment and there is acquittal in respect of predicate offence, the proceedings really would not survive.

In view of the aforesaid, the appeals filed by the Adjudicating Authority (PMLA) do not survive and are accordingly disposed of.

The trial Court record be sent back to the trial Court.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

[Signed order in Criminal Appeal Nos.319-392 is placed on the file]