

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

CRLMP. NO.18312/2013 in  
Petition(s) for Special Leave to Appeal (Crl) No(s).5520/2011  
(From the judgment and order dated 15/04/2011 in CRLA No.205/2011 of the  
HIGH COURT OF BOMBAY)

KOTAK MAHINDRA BANK LTD. Petitioner(s)

VERSUS

STATE OF MAHARASHTRA AND ORS. Respondent(s)

(For correction/rectification of inadvertent errors in the order of this  
Court dated 5.8.2013 and office report)

WITH

CRLMP. NO.18308/2013 in SLP(Crl) NO. 5564 of 2011  
(For correction/rectification of inadvertent errors in the order of this  
Court dated 5.8.2013 and office report)

Date: 16/09/2013 These Crl.M.Ps. were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. Amar Dave, Adv.  
Mr. Krishnayan Sen, Adv.  
Mr. Rishad A. Chowdhury, Adv.  
for Ms. Tatini Basu, Adv.

For Respondent(s) Mr. Bhargava V. Desai, Adv.  
Mr. Shreyas Mehrotra, Adv.  
  
Ms. Asha Gopalan Nair, Adv.

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

CRLMP. NO.18312 OF 2013 IN SLP(CRL.) NO.5520/2011 AND CRLMP.  
NO.18308/2013 IN SLP(CRL.) NO.5564/2011

We have perused the Criminal Miscellaneous Petitions.

It is brought to our notice in the Criminal Miscellaneous  
Petitions that accused Nos. 1, 2 and 3 i.e. respondents Nos. 2,  
4 and 3 had not filed any proceedings before the High Court.  
Therefore, this Court did not intend to stay the proceedings in  
the trial court against the aforesaid accused. It is also  
brought to our notice that there is some error with regard to  
the recording of the details of other proceedings. Therefore,  
order, dated 5th August, 2013 is substituted by the following  
order:

"In Writ Petition Nos. 1760 of 2007 and 1761 of 2007 filed by Respondent/Accused Nos. 5 and 6, the High Court stayed the proceedings against Respondent/Accused Nos.5 and 6 relying on the earlier stay granted to Accused No. 4 vide order dated 10th November, 2006. Subsequently, in Criminal Application Nos.202 of 2011 and 205 of 2011 filed by petitioner, the High Court by the impugned order dated 15th April, 2011 not only stayed the proceedings against the aforesaid two Respondents/Accused but also stayed the proceedings in both criminal complaints being

Complaint Nos. 544 of 2003 and 545 of 2003 against the other accused i.e. Respondent Nos. 2, 4 and 3 (who are Accused Nos. 1, 2 and 3 respectively). None of those accused had filed any proceedings before the High Court. In our opinion, the High Court was not justified in granting such a blanket order of stay of criminal proceedings against all the accused.

Having heard learned counsel for the parties, we are not inclined to interfere with the stay order granted by the High Court against the Accused Nos. 4, 5 and 6. However, the stay order against all other accused i.e. Respondents 2, 3 and 4 shall stand vacated. The Trial Court is directed to continue proceedings against the other accused, i.e. Respondent Nos. 2, 3 and 4.

We make it clear that we have not examined the issue on merits at all, which is pending before the High Court.

The Special Leave Petitions are, accordingly, disposed of."

The Criminal Miscellaneous Petitions are disposed of in the above terms.

| (VINOD LAKHINA)  
| COURT MASTER

| | (INDU BALA KAPUR)  
| | COURT MASTER

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