

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 (Cr1) No(s).5520/2011

(From the judgement 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)

(With appln(s) for stay and office report)

WITH SLP(Cr1) NO. 5564 of 2011

(With appln(s) for stay and office report)

Date: 05/08/2013 These Petitions 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.

Ms. Tatini Basu, Adv.

For Respondent(s)

Mr. Bhargava V. Desai, Adv.

Mr. Shreyas Mehrotra, Adv.

Mr. Sanjay Kharde, Adv.

Mr. Preshit v. Surshe, Adv.

Ms. Asha Gopalan Nair, Adv.

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

In Writ Petition Nos. 1760 of 2007 and 1761 of 2007 filed by Respondent/Accused Nos. 5 and 6, the High Court by the impugned order not only stayed the proceedings against the aforesaid two respondents/accused and respondent/accused No.4 but also

stayed the proceedings in all criminal complaints against the other accused. 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 respondent/accused Nos. 4,5 and 6. However, the stay order against all other accused who are not parties before the High Court shall stand vacated. The Trial Court is directed to continue proceedings against the other accused.

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.

(Sukhbir Paul Kaur)
Court Master

(Indu Bala Kapur)
Court Master