

d
SLP(Crl.)No. 75-83 OF 2004
ITEM No.63

Court No.10

SECTION IIA
A/N MATTER

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. 75-83/2004

(From the judgement and order dated 21/11/2003 in MCRLM 5132/03,
MCRLM 5680/03,MCRLM 5681/03,MCRLM 5682/03,MCRLM 5683/03,
MCRLM 5684/03,MCRLM 5685/03,MCRLM 5697/03 & MCRLM 5698/03
of The HIGH COURT OF M.P AT JABALPUR)

M/S. DAMODAR COAL AGENCY

Petitioner (s)

VERSUS

MANI NAGRATH & ORS.

Respondent (s)

(With Appln(s). for stay and permission to place addl. documents on record
and exemption from filing O.T.)
(With Office Report)

Date : 09/02/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s) Mr. Prakash Shrivastava,Adv.

For Respondent (s) Mr. V.K. Tankha, Sr. Adv.
Mr. Pratul Shandilya, Adv.
Mr. P.C. Sen, Adv.

Mr. Vishwajit Singh,Adv.

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

Heard learned counsel for both sides.

Leave granted.

The appeals are disposed of in terms of the signed
order.

(R.K. DHAWAN) (VEERA VERMA)
COURT MASTER COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.205-213 OF 2004
(Arising out of SLP(Crl) Nos.75-83 of 2004)

M/s. Damodar Coal Agency.... Appellant.

Versus

Mani Nagrath & Ors..... Respondents.

O R D E R

Leave granted.

Heard learned counsel for the parties.

These appeals are filed against the order passed by the High Court in criminal complaint filed by the respondents and whereby they have been permitted to summon series of documents, of which some of them are in the possession of complainant, some documents are in the possession of State Bank of India and some are in the possession of CBI. Learned counsel for the respondents submitted that respondents-accused propose to examine officers of the State Bank of India, CBI officials as defence witnesses and these documents are to be proved through them. The respondents would be at liberty to confront the officers to be summoned as defence witnesses with the copies of documents available with them. In case genuineness of the documents is denied/disputed, the respondents would be at liberty to move for an appropriate orders either for summoning the original.

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However, the Tax Returns of M/s. Damodar Coal Agency (Books of Accounts) of the year 1990-91, 1991-92, 1992-93, 1993-94) and Item (b) Income Tax Returns of M/s. Saluja Lime Industries (Books of accounts) of the year 1990-91, 1991-92, 1992-93, 1993-94) are not relevant documents. Direction to summon these documents is set aside.

The appeals are disposed of accordingly.

.....J
(K.G. BALAKRISHNAN)

.....J
(B.N. SRIKRISHNA)

NEW DELHI;
FEBRUARY 9, 2004.