

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(s).7124/2010

(From the judgement and order dated 05/08/2010 in CRLMC No. 1826/2010 of The HIGH COURT OF DELHI AT N. DELHI)

SUN DISTRIBUTIONS SERVICES & ANR

Petitioner(s)

VERSUS

STATE OF DELHI & ANR

Respondent(s)

(With appln(s) for stay)

WITH SLP(Crl) NO. 7200 of 2010

(With appln. For ex-parte stay and clarification of Court's order and office report)

Date: 14/01/2011            This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)            Mr. Sidarth Luthra, Sr Adv.  
   Mr. Rahul Sharma, Adv.  
   Mr. P.N. Puri, Adv.

For Respondent(s)            Mr. Ajay Kr Gupta, Adv.  
   Mr. Arun Kumar Beriwal, Adv.  
   Mrs Anil Katiyar ,Adv

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

CRL.M.P. NO. 22848 OF 2010 IN SLP(CRL) NO. 7200 OF 2010

By filing the instant application, the original respondent No. 2 has prayed to clarify the order dated September 6, 2010 rendered by this Court as to whether it was intended by this Court  
: 2 :

to stay the entire proceedings pending before the

High Court and Lower Court or was the order dated

September 6, 2010 passed by this Court limited to

the extent of staying the order dated

August 5,

2010 passed by the High Court

whereby the High

court had vacated its earlier

stay order dated

May 26, 2010

passed in Crl. M.C. No. 1824 of 2010.

This Court has heard the learned counsel for the parties. From the record of the case it is evident that in Crl. M.P. No. 22855 of 2010, the following order was passed by this Court on November 16, 2010 after hearing the learned counsel for the parties :-

"CRL.M.P. NO. 22855/2010

By filing this application, the applicant has prayed to clarify order dated 6.9.2010 passed by this Court in SLP (Crl.) No.7124 of 2010 to mean that what is stayed by this Court is the criminal proceedings pending before the trial court and not the proceedings of Crl. M. C. No.1826 of 2010 pending before the High Court.

This Court has heard the learned counsel for the parties. Mr. K. K. Venugopal, learned senior counsel for the petitioners, agrees that the clarification as demanded by the applicant should be granted by the Court. Under the circumstances, the application filed by the applicant is accepted and it is

: 3 :

clarified that order dated 6.9.2010 passed by this Court in SLP (Crl.) No.7124 of 2010 relates to the stay of criminal proceedings pending before the trial court and not to the proceedings in Crl. M.C. No.1826 of 2010, pending before the High Court.

The application accordingly stands disposed of."

In view of the above quoted order it is clarified that the order dated September 6, 2010 passed by this Court related only to the stay order of August 5, 2010 passed by the High Court by which High Court had vacated its earlier stay order dated May 26, 2010 passed in Crl. M.C. No. 1824 of 2010.

Subject to the above mentioned clarification, the application stands disposed of.

(Sonia)  
Sr P.A.

(Sneh Bala Mehra)  
Court Master