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ITEM NO.4

COURT NO.10

SECTION II

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

Petition for Special Leave to Appeal (Crl) No.7821/2010

(From the judgment and order dated 09/09/2010 in CRLMA No.7216/2009 in BA No.314/2009 of The HIGH COURT OF DELHI AT N. DELHI)

RAVINDRA C.P. NAVELCAR

Petitioner(s)

VERSUS

THE STATE OF DELHI AND ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned order and bail and exemption from surrendering and permission to file additional documents and office report)(FOR FINAL DISPOSAL)

WITH

SLP(Crl) NO. 7989 of 2010

(With appln.(s) for exemption from surrendering and exemption from filing c/c of the impugned order and bail and office report)(FOR FINAL DISPOSAL)

SLP(Crl) NO. 7990 of 2010

(With appln.(s) for exemption from surrendering and exemption from filing c/c of the impugned order and bail and office report)(FOR FINAL DISPOSAL)

SLP(Crl) NO. 8122 of 2010

(With appln.(s) for stay and permission to file additional documents and office report)(FOR FINAL DISPOSAL)

SLP(Crl) NO. 8136 of 2010

(With appln.(s) for exemption from filing c/c of the impugned judgment and ex-parte stay and permission to file additional documents and office report)(FOR FINAL DISPOSAL)

SLP(Crl) NO. 8159 of 2010

(With appln.(s) for exemption from filing c/c of the impugned judgment and ex-parte stay and permission to file additional documents and office report)(FOR FINAL DISPOSAL)

Date: 18/07/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

...2/-

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For Petitioner(s)

SLP(CRL)7821/10 & Mr. Ranjit Kumar, Sr. Adv.

SLP(CRL)8122/10

Mr. Ninad Laud, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

SLP(CRL)7989/10 &

Mr. J.N. Shetty, Sr. Adv.

SLP(CRL)8136/10 & rr

Mr. Ninad Laud, Adv.

in SLP(CRL)7821/10

Mr. Naresh Kumar, Adv.

SLP(CRL)7990/10 & Mr. S.M. Walawaikar, Adv.

SLP(CRL)8159/10 Mr. V.N. Raghupathy, Adv.

For Respondent(s)
SLP(CRL)7821/10 Ms. Ranjana Narayan, Adv.
Mr. B.V. Balram Dass, Adv.
for Mrs Anil Katiyar, Adv.

Mr. Suhail Dut, Sr. Adv.
Mr. Azhar Alam, Adv.
Ms. B. Vijayalakshmi Menon, Adv.

SLP(CRL)7821/10, Ms. Geeta Luthra, Sr. Adv.
SLP(CRL)7989/10, & Mr. Sarad Kumar Singhanian, Adv.
SLP(CRL)7990/10

SLP(CRL)8122/10, Mr. Sanjiv Sen, Adv.
SLP(CRL)8136/10 & Mr. Ujjal Banerjee, Adv.
SLP(CRL)8159/10 Dr. Kailash Chand, Adv.

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

Special Leave Petition (Criminal) Nos.7821/2010, 7989/2010 and 7990/2010

These special leave petitions are directed against a common order dated 9th September, 2010 passed by the High Court of Delhi at New Delhi in Crl. M.A. No.7216/2009 in Bail Application No.314/2009 and Crl.M.A. No.7218/2009 in Bail Application No.315/2009, whereby the interim bail granted to the petitioners in connection with FIR No.131/2008 registered with the Economic Offence Wing, Crime and Railways, New Delhi, has been cancelled.

...3/-

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Having heard learned counsel for the parties, we are of the view that the High Court was justified in cancelling the interim bail granted to the petitioners, keeping in view the fact that despite a settlement arrived at between the parties before the Delhi High Court Mediation and Conciliation Centre, a cheque for a sum of Rs.35 crores issued by Mr. Ravindra C.P. Navelcar, petitioner in Special Leave Petition (Criminal) No.7821 of 2010, in favour of the respondent company, had been dishonoured.

We accordingly dismiss the special leave petitions.

Learned counsel appearing for the petitioners and counsel appearing for the respondent company as also Mr. Sanjiv Sen, learned counsel appearing for Mr. Nageshwar Pandey, the original complainant/informant, submit that there has been a fresh settlement between the parties, which is being finalized by them in the form of a consent decree before the competent court. They submit that in the light of the said subsequent development, the petitioners may be given liberty to move the High Court for grant of interim bail to them. They urged that the orders passed by this Court granting interim bail to the petitioners could be continued for a further period of four weeks, to enable the petitioners to move the High court.

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We see no reason to decline that limited prayer. We accordingly

direct that the petitioners shall be free to move the High Court with a fresh application for grant of interim bail in their favour on the basis of the settlement referred to above, in which event, the High Court shall examine the request and pass appropriate orders on the same in accordance with law. For a period of four weeks from today, interim order dated 17th September, 2010 in SLP(Crl.) No.7821/2010 and interim order dated 22nd September, 2010 in SLP(Crl.) Nos.7990 & 7989 of 2010, passed by this Court, shall continue to be operative. The High Court shall, however, remain uninfluenced by the fact that we have granted interim protection to the petitioners for a limited period.

We also make it clear that we express no opinion about the locus of Mr. Baleshwar Sharma, to be impleaded in the proceedings, but the High Court would do well to hear Mr. Sharma, while passing any order in the matter, as he was earlier heard in the matter as an intervener. Mr. Sharma's intervention shall, however, be subject to all just exceptions, including objection, if any, regarding his locus standi.

...5/-

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Special Leave Petition (Criminal) Nos.8122/2010, 8136/2010 and 8159/2010

These special leave petitions are directed against an order dated 9th September, 2010, passed by the High Court of Delhi at New Delhi in Writ Petition (Criminal) No.919 of 2009, whereby the High Court has declined to quash FIR No.131/2008 registered with the Economic Offence Wing, Crime and Railways, New Delhi.

Having heard learned counsel for the parties, we are of the view that the High Court was justified in passing the impugned order. The special leave petitions are accordingly dismissed. The petitioners may, however, file a fresh petition based on any fresh settlement allegedly arrived at between the parties. We express no opinion whether any such settlement can make out a case for quashing of the FIR mentioned above. Mr. Baleshwar Sharma, intervener shall also be free to move an application for impleadment/intervention before the High Court and any such application shall be considered on its merits in accordance with law.

|(VINOD LAKHINA)
|Court Master

|(VEENA KHERA)
|Court Master

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