



IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2023
(ARISING OUT OF SLP (CRL.) NO. 1080 OF 2023)

MANOJ KUMAR PATTANAIAK

Appellant(s)

VERSUS

D.V.S KISHORE

Respondent(s)

O R D E R

Leave granted.

The learned counsel appearing for the Directorate of Enforcement fairly states that the said Directorate, after the initial order of remand, has not asked for extension of custody of the appellant in CrI. Misc. (PMLA) Case No. 34/2016 under Section 3 read with Sections 70(1) and 70(2) of the Prevention of Money Laundering Act, 2002 (PMLA). It is an accepted case of the parties that the appellant has already undergone incarceration for about 9 years and 2 months, if we include the period of custody and sentence undergone for the predicate offences. It is also an accepted position that the appellant has already been in custody, for more than half of the period of sentence prescribed since the registration and his arrest for the offences under the PMLA. Accordingly, the provision of Section 436-A of the Code of Criminal Procedure, 1973, is applicable.

In view of the aforesaid position, we allow the present

appeal and set aside the impugned judgment/order, which had restricted the grant of bail to the appellant for a period of six months, with a direction that the appellant will appear before the trial court and would be released on bail in Crl. Misc. (PMLA) Case No. 34/2016, which is pending adjudication before the Court of Sessions Judge, Khurda, Bhubaneswar, Odisha on terms and conditions to be fixed by the trial court.

We, however, clarify that the order passed by us is applicable and effective only in Crl. Misc. (PMLA) Case No. 34/2016. This is not an order granting bail to the appellant in any other case/proceedings.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(M.M. SUNDRESH)

New Delhi;
March 02, 2023.

ITEM NO.4

COURT NO.7

SECTION II-B

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 for Special Leave to Appeal (Crl.) No. 1080/2023

(Arising out of impugned final judgment and order dated 08-07-2022 in BLAPL No. 7327/2019 passed by the High Court Of Orissa At Cuttack)

MANOJ KUMAR PATTANAIK

Petitioner(s)

VERSUS

D.V.S KISHORE

Respondent(s)

(IA No. 7498/2023 - CONDONATION OF DELAY IN FILING, IA No. 8294/2023 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 8293/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 8291/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS /ANNEXURES)

Date : 02-03-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s)

Mr. Haraprasad Sahu, Adv.
Mr. Sanjay Narayan Sahoo, Adv.
Mr. Pranaya Kumar Mohapatra, AOR

For Respondent(s)

Mr. Sanjay Jain, A.S.G. (N/P)
Mr. Mukesh Kumar Maroria, AOR
Mr. Padmesh Mishra, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Navanjay Mahapatra, Adv.
Ms. Anamika Agarwal, Adv.

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

Leave granted.

In terms of the signed order, the present appeal is allowed and the impugned judgment/order, which had restricted the grant of

bail to the appellant for a period of six months, is set aside, with a direction that the appellant will appear before the trial court and would be released on bail in Crl. Misc. (PMLA) Case No. 34/2016, which is pending adjudication before the Court of Sessions Judge, Khurda, Bhubaneswar, Odisha on terms and conditions to be fixed by the trial court.

It is, however, clarified that the order is applicable and effective only in Crl. Misc. (PMLA) Case No. 34/2016. This is not an order granting bail to the appellant in any other case/proceedings.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

(signed order is placed on the file)