

HIGH COURT OF MADHYA PRADESH : JABALPUR


Endt No. B/40641/1
III-1-16/96 / III-6-3/85

Jabalpur, dt. 25-11-2020

The copy of Hon'ble Supreme Court order passed in Misc Application no. 1577/2020 in Criminal Appeal Nos. 1375-1376/2013 in the case of Asian Resurfacing of Road Agency Pvt. Ltd. Vs. Central Bureau of Investigation be forwarded to the following authorities :-

- (i) The District & Sessions Judge(s)/Principal Judge Family Court(s), with a request to bring the same into the knowledge of all the Judicial Officers under their kind control for information and necessary action/compliance.
- (ii) The Chief Judicial Magistrates(all in the State) with a request to direct all the Magistrates subordinate to them to follow the orders in letter & spirit.
- (iii) The District & Sessions Judge (Inspection & Vigilance), Jabalpur / Indore / Gwalior;
- (iv) The Director MPSJA Jabalpur for needful,
- (v) The Member Secretary, SALSA, 54, South Civil Lines, Jabalpur
- (vi) The Principal Registrar, Bench at Indore/Gwalior High Court of M.P., Jabalpur.
- (vii) P.S. to Hon'ble the Chief Justice ,High Court of Madhya Pradesh Jabalpur for placing the matter before His Lordships,
- (viii) P.S. to Registrar General/ Principal Registrar(Judl)/ Principal Registrar (Inspection & Vigilance),/ Principal Registrar (Examination) / Principal Registrar (ILR) High court of Madhya Pradesh Jabalpur,
- (ix) Registrar(J.)/(D.E.)/(A)/ (Vig.)/ (VI.)/ Member Secretary SCMS, High Court of Madhya Pradesh, Jabalpur.
- (x) Server Room (Computer) for making available in the official website of the High Court under the hyperlink circular/orders etc. in compliance of the orders of Registrar General dated 01-03-2018 & endt No. Reg(IT)/SA/2018/368 dated 01-03-2018.

for information & appropriate action.


(B.P. SHARMA)
REGISTRAR(DE)

1
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Certified to be a true Copy
Assistant Registrar (Genl.)
6/11/2020
Supreme Court of India

MISCELLANEOUS APPLICATION NO. 1577 OF 2020
IN
CRIMINAL APPEAL NOS. 1375-1376 OF 2013

ASIAN RESURFACING OF ROAD AGENCY PVT. LTD. & ANR. ...Appellant(s)

VERSUS

904105

CENTRAL BUREAU OF INVESTIGATION

...Respondent(s)

O R D E R

Having heard Mr. Dilip Annasaheb Taur, learned counsel for the applicant and Mr. S.V. Raju, learned ASG for the respondent, we are constrained to point out that in our directions contained in the judgment delivered in Criminal Appeal Nos. 1375-1376 of 2013 [Asian Resurfacing of Road Agency Pvt. Ltd. & Anr. vs. Central Bureau of Investigation] and, in particular, para 35, it is stated thus:

"35. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. The trial Court where order of stay of civil or criminal proceedings is produced, may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence unless order of extension of stay is produced."

Learned Additional Chief Judicial Magistrate, Pune, by his order dated 04.12.2019, has instead of following our judgment in letter as well as spirit, stated that the Complainant should move an application before the High Court to resume the trial. The Magistrate goes on to say: "The lower Court cannot pass any order which has been stayed by Hon'ble High Court, Bombay with due respect of ratio of the

Judgment in *Asian Resurfacing of Road Agency Pvt. Ltd. & Anr.* (supra)." We must remind the Magistrates all over the country that in our pyramidal structure under the Constitution of India, the Supreme Court is at the Apex, and the High Courts, though not subordinate administratively, are certainly subordinate judicially. This kind of orders fly in the face of para 35 of our judgment. We expect that the Magistrates all over the country will follow our order in letter and spirit. Whatever stay has been granted by any court including the High Court automatically expires within a period of six months, and unless extension is granted for good reason, as per our judgment, within the next six months, the trial Court is, on the expiry of the first period of six months, to set a date for the trial and go ahead with the same.

With this observation, the order dated 04.12.2019 is set aside with a direction to the learned Additional Chief Judicial Magistrate, Pune to set down the case for hearing immediately.

Miscellaneous Application is disposed of accordingly.

(ROHINTON FALI NARIMAN) J.

(NAVIN SINHA) J.

(K.M. JOSEPH) J.

New Delhi;
October 15, 2020.