HIGH COURT OF MADHYA PRADESH : JABALPUR

Endt No. ⊅/25/6.... / (Supreme Court) Jabalpur, dt.27/07/21
III-1-16/96 / III-6-3/85

The copy of Hon'ble Supreme Court order passed in **Misc Application no. 899 of 2020 in Criminal Appeal Nos. 1375-1376 of 2013 (in the case of Asian Resurfacing of Road Agency Pvt. Ltd. & Anr Vs. Central Bureau of Investiation)** dated 02-07-2021 be forwarded to the following authorities :-

(i)   The Principal 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.

(VIVEK SAXENA)
REGISTRAR(DE)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 890 OF 2021
IN
CRIMINAL APPEAL NOS. 1375-1376 OF 2013

940357

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

VERSUS

CENTRAL BUREAU OF INVESTIGATION   Respondent(s)

O R D E R

Application for impleadment is allowed.

Having heard Mr. Dilip Annasaheb Taur, learned counsel for the applicant and Ms. Binu Tamta, learned counsel 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-III, Dehradun, by his order dated 31.10.2020, has instead of following our judgment in letter as well as spirit, stated "Today, the Complainant submitted an application citing the judgment of the Hon'ble Supreme Court of India and also enclosed the photocopy of the said judgment. The copy of the judgment of the Hon'ble Supreme court was perused with due respect. Application alongwith the copy of the Judgment seen (keep on file). Consequently, the opposite party is directed to file the fresh status of stay granted by the Hon'ble High Court. The file to be put up for further orders on due date." We must remind the Magistrates all over the country that in our pyramidical 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. These kinds 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 upon the expiry of 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 31.10.2020 is set aside with a direction to the learned Additional Chief Judicial

Magistrate-III, Dehradun to set down the case for hearing immediately.

Miscellaneous Application is disposed of accordingly.

Sd-
.... J.
(ROHINTON FALI NARIMAN)

Sd-
.... J.
(K.M. JOSEPH)

Sd-
.... J.
(B.R. GAVAI)

New Delhi;
July 02, 2021.

AMENDED CAUSE TITLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 1375-76 OF 2013

IN THE MATTER OF

1. ASIAN RESURFACING OF ROAD AGENCY P. LTD.
    HAVING ITS REGISTERED OFFICE
    AT M-75, GREATER KAILASH PART-I, NEW DELHI- 110048
    THROUGH DIRECTOR

2. SHRI PREM ARORA,
    S/O SHRI KISHAN LAL,
    R/O M-75, GREATER, ...Appellant
    KAILASH PART-1, NEW DELHI

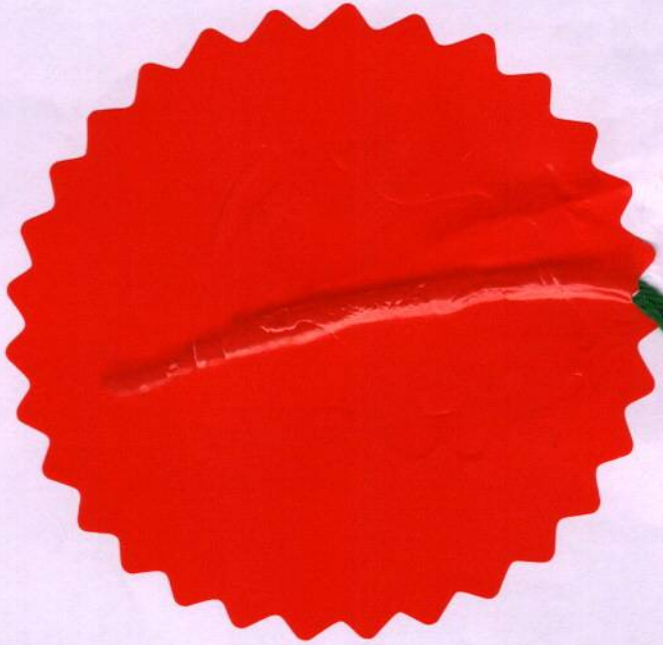   VERSUS

1. CENTRAL BUREAU OF INVESTIGATION
    PLOT NO. 5-B, 6th FLOOR, CGO COMPLEX, LODHI ROAD,
    NEW DELHI 110003
    THROUGH DIRECTOR   .....Respondent No.1

*2. PRADEEP BABASAHEB GHULE
    AGE 42 YEARS, OCCU: BUSINESS,
    R/O VITHAI, MANJORI BUDRUK,
    MALWADI, PUNE STATE OF MAHARASHTRA   .....Respondent No.2

**3. SANJEEV RATHI
    S/O SUKHBIR SINGH RATHI
    R/O A-501 LKG APARTMENTS
    DOON UNIVERSITY ROAD KEDARPUR
    DEHRADUN PIN 248001   .....Respondent No.3
    STATE OF UTTARAKHAND.

* Respondent No. 2 have been impleaded as party respondents in the
matter above mentioned vide Hon'ble Court's Order dated 15.10.2020 in
the M.A. No. 1577 of 2020.

**Respondent No. 3 have been impleaded as party respondents in the
matter above mentioned vide Hon'ble Court's Order dated02.07.2021 in M.A
No. 890/2021.

                                              Sd-
                                      ASSISTANT REGISTRAR

Ⅲ - E - 4157 (48)