

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2709/2008

(From the judgement and order dated 07/02/2008 in CRM No. 750/2008 of the HIGH COURT OF CALCUTTA)

KRISHNA KUMAR GUPTA & ORS.

Petitioner(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

(With appln(s) for stay of arrest and permission to place addl. documents on record)

Date: 03/11/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Rauf Rahim,Adv.

For Respondent(s) Mr. Tara Chandra Sharma,Adv.  
Ms. Neelam Sharma,Adv.  
Mr. Rajeev Sharma,Adv.

UPON hearing counsel the Court made the following

ORDER

Leave granted.

Heard the learned counsel for the parties for about half an hour.

The appeal is disposed of with observation and direction as contained in the signed order.

(A.S. BISHT)  
MASTER

(PUSHAP LATA BHARDWAJ) COURT  
COURT MASTER

[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1737 OF 2008  
[Arising out of SLP(Crl.) No.2709/2008]

KRISHNA KUMAR GUPTA AND ORS.

... APPELLANT(S)

:VERSUS:

STATE OF WEST BENGAL

... RESPONDENT(S)

ORDER

Leave granted.

Our attention has been drawn to a letter dated 20.06.2007 issued by Raj Import Export Pvt. Ltd. to Sudarshan Paper & Board Pvt. Ltd., which reads as under:

"We are extremely sorry to say that due to non receipt of our export payment our Banker PUNJAB NATIOINAL BANK has declared our Company as Non Performing Assets/Account (N.P.A.) on May 21st, 2007. You are very well aware that from last 1½ years we are moving of financial deficit because of non realisation of our export bills amounting to around US\$ 16.00 Lacs (US Dollar Sixteen Lacs) and the Court case against the Foreign Buyer is already running for the realisation of the same.

We therefore request you to please do not deposit the cheques as per date mentioned in the cheques till our further instructions. In a very short time we will give you the clearance for the presentation of the cheques as our intention is to clear your dues as soon as we can."

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It is stated by Mr. Rauf Rahim, learned counsel appearing for the appellants that the appellants shall surrender before the Chief Metropolitan Magistrate, Calcutta, within two weeks from date and file an application for regular bail.

The said application for bail, if filed, may be considered on its own merits and disposed of as expeditiously as possible by the learned Chief Metropolitan Magistrate.

It would be open to the appellants to serve an advance copy of the application for grant of bail upon the learned Public Prosecutor so as to enable him to obtain instructions in the matter.

The appeal is disposed of with the aforementioned observation and direction.

.....J  
(S.B. SINHA)

.....J  
(CYRIAC JOSEPH)

NEW DELHI,  
NOVEMBER 03, 2008.