

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 156-157 OF 2017
[@ SPECIAL LEAVE PETITION (CRL) NO. 589-590 OF 2017
[@ SPECIAL LEAVE PETITION (CRL).....CRL.M.P. NO.1178 OF 2017]

VODAFONE MOBILE SERVICES LTD (FORMERLY KNOWN
AS VODAFONE SOUTH LTD) APPELLANT(S)

VERSUS

LALIT K GUPTA RESPONDENT(S)

J U D G M E N T

KURIAN, J.

1. Delay condoned.
2. Leave granted.
3. In the nature of the order we propose to pass, it is not necessary to issue notice to the respondent.
4. In CRM No. M-25888 of 2013 (O & M) on the file of the High Court of Punjab and Haryana, the appellant was granted an interim order on 08.08.2013 in respect of the proceedings pending before the Trial Court in Crl. Complaint No. 8 of 2012 on the file of JMIC, Chandigarh. It appears that the High Court was not quite happy with the fact that when the matter was called out for final hearing, the counsel for the petitioner before the High Court was not ready and

hence, the interim order was vacated.

5. Sh. Siddharth Luthra, learned senior counsel appearing for the appellant before this Court, submits that the petitioner before the High Court was always ready except only on that day due to some inconvenience to the learned senior counsel appearing in the matter.

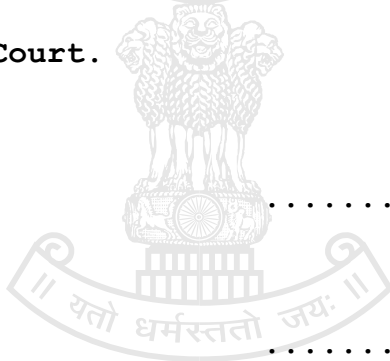
6. Be that as it may, it is seen that the appellant has immediately filed CRM No. 38447 of 2016 in CRM No. M-25888 of 2013 praying for recall of the order dated 26.09.2016 and requested for continuance of the interim order till the matter is disposed of by the High Court.

7. The said petition is pending before the High Court. Meanwhile, the learned Magistrate has issued summons since the interim order had been vacated.

8. Having heard the learned senior counsel appearing for the appellant and having regard to the facts and circumstances referred to above, we are of the view that the interest of justice would be served if the High Court is requested to dispose of Crl. M.P. No. 38447 of 2016 along with CRM No. M-25888 of 2013 expeditiously and defer the proceedings before the Magistrate till such time.

9. We dispose of these appeals with a request to the High Court to dispose of Crl. M.P. No. 38447 of 2016 along with CRM No. M-25888 of 2013 expeditiously. Till the main petition is disposed of, the interim protection originally granted to the appellant herein, as per order dated 08.08.2013 passed by the High Court, will continue. We make it clear that this is subject to the condition that the appellant herein shall not ask for any adjournment and shall cooperate for expeditious disposal of the petition before the High Court.

No costs.



.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
JANUARY 20, 2017.

JUDGMENT