

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s). 354/2019
[Arising out of impugned final judgment and order dated 12-12-2018
in CRLMA No. 7960/2011 passed by the High Court of Gujarat at
Ahmedabad]

PRADIP N. SHARMA

Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ANR.

Respondent(s)

(IA No. 5194/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

WITH

SLP(CrI) No. 2812/2019 (II-B)

(FOR EXEMPTION FROM FILING O.T. ON IA 50964/2019

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
50965/2019FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
50966/2019FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
97702/2021

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 97706/2021

IA No. 97706/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 50965/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 50964/2019 - EXEMPTION FROM FILING O.T.

IA No. 97702/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURESIA No. 50966/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)SLP(CrI) No. 3256/2019 (II-B)(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
58889/2019

FOR EXEMPTION FROM FILING O.T. ON IA 58890/2019

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
118932/2019FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
103513/2021

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 103515/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
121155/2021

IA No. 103515/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 58889/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 58890/2019 - EXEMPTION FROM FILING O.T.

IA No. 103513/2021 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

IA No. 118932/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 121155/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(CrL) No. 6185/2023 (II-B)

(FOR ADMISSION and I.R. and IA No.98138/2023-EXEMPTION FROM FILING O.T.

IA No. 98138/2023 - EXEMPTION FROM FILING O.T.)

SLP(CrL) No. 3154/2024 (II-B)

(IA No. 73994/2024 - EXEMPTION FROM FILING O.T.

IA No. 73993/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-11-2024 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE PRASANNA B. VARALE**

**For Petitioner(s) Mr. Devadatt Kamat, Sr. Adv.
Mr. Aljo K. Joseph, AOR
Mr. Anurag Kumar, Adv.
Ms. Meenakshi, Adv.
Mr. Vinay Kumar Puvvala, Adv.
Mr. Saket Jee, Adv.**

Mr. Divyesh Pratap Singh, AOR

**For Respondent(s) Mr. Tushar Mehta, Solicitor General
Mr. Zoheb Hussain, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Vivek Gurnani, Adv.
Mr. Arvind Kumar Sharma, AOR
Ms. Aakriti Mishra, Adv.**

**Mr. Tushar Mehta, Solicitor General
Mr. Maninder Singh, Sr. Adv.
Mr. Mitesh Amin, A.A.G.
Ms. Swati Ghildiyal, AOR
Mr. Kanu Agarwal, Adv.
Ms. Devyani Bhatt, Adv.
Ms. Neha Singh, Adv.
Mr. Madhav Sinhal, Adv.**

UPON hearing the counsel the Court made the following

O R D E R

SLP(Crl) No. 354/2019

Heard Mr. Devadatt Kamat, learned senior counsel for the petitioner and Mr. Tushar Mehta learned Solicitor General appearing for the respondents at length.

Hearing concluded.

Order/Judgment reserved.

SLP(Crl) No. 2812/2019

Heard Mr. Devadatt Kamat, learned senior counsel for the petitioner and Mr. Tushar Mehta learned Solicitor General appearing for the respondents at length.

Hearing concluded.

Order/Judgment reserved.

SLP(Crl) No. 3256/2019

We have heard Mr. Devadatt Kamat, learned senior counsel for the petitioner and Mr. Tushar Mehta, learned Solicitor General appearing for the respondents at length.

We do not find any merit in the petition warranting interference with the impugned order passed by the High Court declining to quash the FIR, in question, i.e. FIR I-C-R No. 1 of 2012 registered

at CID Crime Police Station, Rajkot Zone, Bhuj.

However, we make the following two observations :-

Firstly, any observation made in the impugned order will not come in the way of the parties in the subsequent proceedings and any investigation or trial which may take place will not be influenced by any observation made in the impugned order.

Secondly, this FIR is of the year 2012. The petitioner has neither been arrested so far nor has he surrendered apparently because there was some interim order granted by the High Court or by this Court.

Mr. Devadatt Kamat, learned senior counsel for the petitioner submits that the matter is to be investigated purely on the basis of documents and as such protection may be provided to the petitioner. On the other hand Mr. Tushar Mehta, learned Solicitor General appearing for the respondents submits that the petitioner has delayed the investigation for the last twelve years and as such no protection may be provided to the petitioner and he should immediately surrender or else he will be arrested in accordance to law.

In response, Mr. Devadatt Kamat, learned

senior counsel submits that the petitioner is already in judicial custody for a significant period/substantial time in connection with other criminal case.

In view of the above, we provide that the petitioner upon arrest may be released upon furnishing a personal bond of Rs.1 lakh (Rupees one lakh only) to the satisfaction of the Investigating Officer in the present case, subject to following two conditions :

Firstly, the petitioner will extend all cooperation during the investigation and *secondly*, if the Investigating Agency requires custodial investigation, it may apply to the concerned Magistrate for appropriate orders and the said application will be considered/decided on its own merits without being influenced by any of the observations made by us.

Accordingly, the special leave petition is disposed of.

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

SLP(Crl) No. 6185/2023

On the request made on behalf of learned senior counsel for the petitioner, Mr. Kapil Sibal,

list the matter on 29th November, 2024.

SLP(Crl) No. 3154/2024

Learned counsel appearing for the petitioner, upon instructions, states that he has instructions to withdraw the application for bail i.e.I.A. No. 73993 of 2024.

In view of the statement made, the said application is dismissed as withdrawn.

He further requests on behalf of learned senior counsel, Mr. Kapil Sibal, to list the matter on Friday, i.e. 29th November, 2024.

Accordingly, list the matter on 29th November, 2024.

(SONIA BHASIN)
COURT MASTER (SH)

(RANJANA SHAILEY)
COURT MASTER (NSH)