

A

NAVEEN KAUSHIK

v.

CENTRAL BUREAU OF INVESTIGATION

(Criminal Appeal No(s). 1393/2013)

APRIL 26, 2018

B

[ADARSH KUMAR GOEL AND R. F. NARIMAN, JJ.]

Prevention of Corruption Act, 1988 – s.19(3)(c) – Held: In view of three judge Bench judgment dtd. 28th March, 2018 passed by Supreme Court in Asian Resurfacing of Road Agency P. Ltd. and Anr. v. Central Bureau of Investigation reported in [2018] 2 SCR 1045, impugned order in Criminal Appeal No.1394/2013 is set aside and the matter is remanded to High Court – Connected appeal Nos. 1384, 1386-1387, 1395 and 10050-10051, dismissed – SLP CrI. No. 5678/14 detagged – SLP CrI. No.9363/17 tagged with SLP CrI. No. 6165/2016 – All other connected appeals/special leave petitions allowed to be withdrawn without prejudice to any contention to be raised before the trial court.

C

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal

D

No. 1393 of 2013.

From the Judgment and Order dated 30.03.2011 of the High Court of Delhi at New Delhi in LPA No. 810 of 2010.

WITH

E

CrI. A. Nos. 1377, 1394, 1382, 1383, 1384, 1386-1387, 1385, 1406, 1396, 1395, 1391, 1389, 1388, 1398, 1397, 1390, 1399, 1402, 1400, 1401, 1404, 1403, 1405 of 2013

CrI.A. Nos. 388, 234 of 2014

SLP(CrI) Nos. 5678, 1451, 1399, 2508, 2970, 2507, 2939, 2977, 4709, 6372, 6391, 6691-6692 of 2014

SLP(CrI) No. 9363 of 2017

F

SLP(CrI) Nos.2610, 6835, 6834, 6837, 10050-10051, 9652-9653 of 2013

G

Vikas Singh, Sr. Adv., Md. Shahid Anwar, Zulfiquar Ali Khan, Aamir Naseem, M.C. Dhingra, Anuj Chauhan, Sibor Sankar Mishra, M.K. Pandey, Ms. Sutapa Sarangi, Anupam Lal Das, Anirudh Singh, Krishanu Barua, Rishi Malhotra, Dr. Sushil Kumar Gupta, Ajit Kumar Gupta, Ms. Radhey Shyam Ahuja, Arvind Kumar Shukla, Mohit D. Ram, Alok Shukla, Nihal Ahmad, Kunal Yadav, Ms. Nena Shukla, Ms. Mridula Ray Bharadwaj, Yoginder Handoo, Nishant Kumar, Harvinder Singh Bhullar, Ms. Monalisha Chowdhury, Ashwani Kumar, Yogesh Verma, Bhavtosh Sharma, Snehil Sonam, Anuj Chauhan, Gopal Jha, Sarvesh Singh Baghel, Rajesh Tyagi, Harsh Khanna, Harish Pandey, Amit Tanwar, Nikhil Jain, R.P. Shukla, Vijay K. Jain, Kamal Mohan Gupta, Abhinav Sharma,

H

Ms. Sneha Baul, Santosh Kumar - I, S. S. Shamsheery, Ms. Rukhmini

Bobde, Ms. Kiran Bhardwaj, Ms. Binu Tamta, V.V. Pattabi Ram, Sumit A
Teterwal, Mukesh Kumar Maroria, Ms. Kiran Bhardwaj, B. V. Balaram
Das, Ashok K. Mahajan, Senthil Jagadeesan, Amarjit Singh Bedi, Sarvesh
Singh Baghel, Advs. for the appearing parties.

The following Order of the Court was delivered:

ORDER

We have heard learned counsel for the parties and perused the B
record.

Criminal Appeal No(s).1393 of 2013,
Criminal Appeal No(s).1377/2013, 1383/2013, 1399/2013, 1405/
2013;

and SLP(Crl.) NO.6837/2013, C
Criminal Appeal No.1382 of 2013,
Criminal Appeal No. 1396 of 2013,

Criminal Appeal No(s).1389/2013, 1388/2013, 1390/2013
SLP(Crl.) No.2610/2013,

Crl.Appeal No(s).1398/2013; D
SLP (Crl.) No(s). 6835/2013, 6834/2013,

Criminal Appeal No(s). 1397/2013, 1402/2013, 1401/2013, 1404/
2013, 1403/2013,

SLP(Crl.) No(s). 9652-53/2013, 1451/2014, 1399/2014, 2508/2014,
2970/2014, 2507/2014, 6372/2014, 6391/2014,

Criminal Appeal No(s). 1400/2013 E
Criminal Appeal No(s). 388/2014,

SLP (Crl.) No(s).2939/2014, 2977/2014, 4709/2014, 6691-6692/
2014,

The appeals and the special leave petition are allowed to be F
withdrawn without prejudice to any contention to be raised before the
trial court in accordance with law.

The parties are directed to appear before the trial court for further
proceedings on 21st May, 2018 or as per the scheduled date.

Criminal Appeal No. 1394/2013 :

In view of judgment of this Court dated 28th March, 2018 in Asian
Resurfacing of Road Agency P. Ltd. And Anr. v. Central Bureau of G
Investigation, Criminal Appeal NO(s).1375-1376 of 2013, the impugned
order is set aside and the matter is remanded to the High Court for fresh
decision in accordance with law.

The appeal is accordingly disposed of.

The parties are directed to appear before the High Court on
Monday, the 28th May, 2018. H

A Criminal Appeal No. 1384 of 2013:

The appeal is dismissed as infructuous on the statement of learned counsel for the appellant(s).

The parties are directed to appear before the trial court for further proceedings on 21st May, 2018 or as per the scheduled date.

B Criminal Appeal No. 1385 of 2013:

The appeal is allowed to be withdrawn without prejudice to any contention to be raised before the trial court in accordance with law.

The parties are directed to appear before the trial court for further proceedings on 15th May, 2018.

Criminal Appeal No. 1406 of 2013,**C Criminal Appeal No. 1391 of 2013:**

The appeals are allowed to be withdrawn without prejudice to any contention to be raised before the trial court in accordance with law.

The parties are directed to appear before the trial court for further proceedings on 10th July, 2018.

D Criminal Appeal No(s). 234/2014:

The appeal is allowed to be withdrawn without prejudice to any contention to be raised before the trial court in accordance with law.

The parties are directed to appear before the trial court for further proceedings on 19th May, 2018.

Criminal Appeal No. 1386-1387 of 2013,**E Criminal Appeal No. 1395 of 2013,****SLP (Crl.) No(s). 10050-10051/2013:**

We do not find any merit in these appeals and the special leave petitions which are hereby dismissed.

The parties are directed to appear before the trial court for further proceedings on 21st May, 2018 or as per the scheduled date.

F

We further direct that in all the matters, mentioned above, record be sent to the trial court so that the trial court may proceed with the matters pending before it.

SLP(Crl.) No(s). 5678/2014:**G**

The special leave petition is wrongly tagged with Crl.A.NO(s).1386-1387/2013.

Accordingly, the special leave petition is detagged and may be listed independently.

SLP(Crl.) No. 9363/2017:

Tag to SLP(Crl.)NO.6165 of 2016.