

ITEM NO.34

COURT NO.11

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 11201/2018

(Arising out of impugned final judgment and order dated 11-10-2018 in CRWP No. 2150/2016 passed by the High Court Of Judicature At Bombay)

YOGESH NATWERLAL THAKKAR

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(FOR ADMISSION)

WITH

SLP(Cr1) No. 14/2019 (II-A)

(FOR ADMISSION and I.R.)

Date : 18-01-2019 These petitions were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Petitioner-in-person

Mr. Vishwa Pal Singh, AOR
Mr. Dharm Raj O., Adv.

For Respondent/
Intervenort(s)

Mr. Mahesh Jethmalani, Sr. Adv.
Mr. Sandeep Kapur, Adv.
Ms. Amna Usma, Adv.
Rani Sharma, Adv.
Mr. Vivek Suri, Adv.
for Karanjawala & Co., AOR

Mr. Kapil Sibal, Sr. Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP(Cr1.) No. 11201/2018

The High Court by its judgment and order dated 11 October 2018 has noted that the Investigating Officer (in the Economic Offences Wing) has submitted a 'C' Summary Report on 27 September 2018. Since the 'C' Summary Report has been submitted before the Magistrate having jurisdiction, the High Court, in our view, was

justified in coming to the conclusion that the petitioner as well as the intervenor would have liberty to approach the Magistrate and to raise their objections, if they are aggrieved by the Report.

In this view of the matter, the order passed by the High Court does not warrant interference under Article 136 of the Constitution of India.

While disposing of the special leave petition, we direct that the Magistrate shall consider the objections to the 'C' Summary Report expeditiously and preferably within a period of six months from today, in accordance with law.

We also clarify that, since the petitioner was relegated to the remedy which is available under the Code of Criminal Procedure, 1973 of raising objections to the 'C' Summary Report, it has not become necessary for the High Court at this stage to consider the request for the transfer of the investigation to the C.B.I. The issue is kept open, to be raised in an appropriate forum, if it becomes necessary, in future.

The special leave petition is, accordingly, disposed of.

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

SLP(Cr1.) No. 14/2019

We are not inclined to entertain this petition under Article 136 of the Constitution of India.

The special leave petition is, accordingly, dismissed.

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

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER