

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 890 OF 2021

IN

CRIMINAL APPEAL NOS. 1375-1376 OF 2013

ASIAN RESURFACING OF ROAD AGENCY PVT. LTD. & ANR. Appellant(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

Respondent(s)

O R D E R

Application for impleadment is allowed.

Having heard Mr. Dilip Annasaheb Taur, learned counsel for the applicant and Ms. Binu Tamta, learned counsel for the respondent, we are constrained to point out that in our directions contained in the judgment delivered in Criminal Appeal Nos. 1375-1376 of 2013 [*Asian Resurfacing of Road Agency Pvt. Ltd. & Anr. vs. Central Bureau of Investigation*] and, in particular, para 35, it is stated thus:

"35. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. The trial Court where order of stay of civil or criminal proceedings is produced, may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence unless order of extension of stay is produced."

Learned Additional Chief Judicial Magistrate-III, Dehradun, by his order dated 31.10.2020, has instead of following our judgment in letter as well as spirit, stated "Today, the Complainant submitted an application citing the judgment of the Hon'ble Supreme Court of India and also enclosed the photocopy of the said judgment. The copy of the judgment of the Hon'ble Supreme Court was perused with due respect. Application alongwith the copy of the Judgment seen (keep on file). Consequently, the opposite party is directed to file the fresh status of stay granted by the Hon'ble High Court. The file to be put up for further orders on due date." We must remind the Magistrates all over the country that in our pyramidal structure under the Constitution of India, the Supreme Court is at the Apex, and the High Courts, though not subordinate administratively, are certainly subordinate judicially. These kinds of orders fly in the face of para 35 of our judgment. We expect that the Magistrates all over the country will follow our order in letter and spirit. Whatever stay has been granted by any court including the High Court automatically expires upon the expiry of a period of six months, and unless extension is granted for good reason, as per our judgment, within the next six months, the trial Court is, on the expiry of the first period of six months, to set a date for the trial and go ahead with the same.

With this observation, the order dated 31.10.2020 is set aside with a direction to the learned Additional Chief Judicial

Magistrate-III, Dehradun to set down the case for hearing immediately.

Miscellaneous Application is disposed of accordingly.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(K.M. JOSEPH)

..... J.
(B.R. GAVAI)

New Delhi;
July 02, 2021.

ITEM NO.23 Court 2 (Video Conferencing) SECTION II-C

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

Miscellaneous Application No. 890/2021 in Cr1.A. No. 1375-1376/2013

(Arising out of impugned final judgment and order dated 25-04-2018 in Cr1.A. No. No. 1375/2013 passed by the Supreme Court Of India)

ASIAN RESURFACING OF ROAD AGENCY P. LTD. & ANR. Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION Respondent(s)

(FOR ADMISSION and IA No.54898/2021-EXEMPTION FROM FILING O.T. and IA No.54902/2021-EXEMPTION FROM FILING O.T. and IA No.54897/2021-APPROPRIATE ORDERS/DIRECTIONS and IA No.54901/2021-APPLICATION FOR PERMISSION)

Date : 02-07-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Dilip Annasaheb Taur, AOR

For Respondent(s) Ms. Binu Tamta, Adv.
(Appearance slip not given)

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

Application for impleadment is allowed.

Miscellaneous Application is disposed of in terms of the signed order.

Pending applications also stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed order is placed on the file)