

ITEM NO.65

COURT NO.13

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 (Crl.) No(s). 275/2024

(Arising out of impugned final judgment and order dated 28-11-2023 in BA No. 7233/2023 passed by the High Court Of Jharkhand At Ranchi)

UNION OF INDIA THROUGH DIRECTORATE OF ENFORCEMENT Petitioner(s)

VERSUS

DILIP KUMAR GHOSH @ DILIP GHOSH

Respondent(s)

(IA No. 3574/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 3576/2024 - EXEMPTION FROM FILING O.T., IA No. 193866/2024 - EXEMPTION FROM FILING O.T., IA No. 109787/2024 - EXEMPTION FROM FILING O.T., IA No. 109783/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 193863/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 171040/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 06-09-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Mr. S.V. Raju, ASG
Mr. Arvind Kumar Sharma, AOR

For Respondent(s) Mr. S. Nagamuthu, Sr. Adv.
Mr. Suraj Prakash, Adv.
Mr. Abhishek Agarwal, Adv.
Ms. Amrita Sinha, Adv.
Mr. Ankur S. Kulkarni, AOR
Mr. Tarun, Adv.

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

1. Heard Mr. S.V. Raju, learned ASG, appearing for the petitioner-Enforcement Directorate as also Mr. S. Nagamuthu, learned Senior Counsel, appearing for the respondent-Dilip Kumar Ghosh @ Dilip Ghosh.

2. It is submitted by Mr. S. Nagamuthu, learned senior counsel that the charges against the present respondent and the other co-accused, have already been framed by the Special Court/ Trial Court, and the trial is about to commence. He stated that the respondent has complied with all the conditions imposed by High Court. The said submissions are not disputed by Mr. S.V. Raju, learned ASG.

3. Under the circumstances, without expressing any opinions on the merits of the case, rather clarifying that the impugned judgment and order passed by the High Court shall not be cited as a precedent in case of other co-accused, and any of the observations made therein, shall not influence the Trial Court/ Special Court during the course of trial, we are not inclined to interfere with the same. However, the Special Court/ Trial Court is directed to expedite the trial.

4. Further, it may be noted that in view of the subsequent judgment passed by this Court in Ram Kishor Arora Versus Directorate of Enforcement 2023 (SCC Online SC 1682), the observations made in the paragraph nos. 14-16 and 18 of the impugned judgment and order passed by the High Court, have failed to pale into insignificance.

5. It goes without saying that the petitioner-Enforcement Directorate shall be at liberty to seek cancellation of bail granted to the present respondent by the High Court, in case any of the bail conditions,

imposed by the High Court, are violated or breached, or any delay tactics are used by him.

6. Subject to the above observations, the present special leave petition is dismissed.

7. Pending application(s), if any, shall stand closed.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(MAMTA RAWAT)
COURT MASTER (NSH)