

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

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NOS. 648-650 OF 2004

CENTRAL BUREAU OF INVESTIGATION

Appellant (s)

VERSUS

MUKESH PRAVINCHANDRA SHROFF ETC.ETC.

Respondent(s)

(With office report)

Date: 29/11/2005 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. Mohd. Yusuf, Sr. Adv.

Mr. A. Subba Rao, Adv.

Mr. Vikas Sharma, Adv.

Mr. P. Parmeswaran, Adv.

For Respondent(s)

Mr. Amit K. Desai, Adv.

Mr. Manoj Swarup, Adv.

Ms. Lalita Kohli, Adv.

Mr. Anubhak Kumar, Adv.

Ms. Happy Saxena, Adv.

Ms. Mona, Adv.

M/s. Manoj Swarup & Co., Advs.

Mrs Shiel Sethi,Adv.

Mr. Dinesh Purandare,Adv.

Mr. Jay Savla,Adv.

Ms. Reena Bagga,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed.

[Alka Dudeja]

Court Master

[Om Prakash]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.648-650 OF 2004

Central Bureau of Investigation ...Appellant(s)

Versus

Mukesh Pravinchandra Shorff Etc.Etc. ...Respondent(s)

O R D E R

Heard learned counsel for the parties.

By the impugned order, the Special Court has discharged accused

Raghunath Lekhraj Wadhwa, Jitendra Ratilal Shroff and Mukesh Pravinchandra

Shroff from Special Case No.4 of 1997. From a bare perusal of the impugned order, it

would appear that the Special Court has virtually passed an order of acquittal in the garb of an order of discharge. It is well settled that at the stage of framing of the

charge, what is required to be seen is as to whether there are sufficient grounds to

proceed against the accused. In our view, the Special Court was not justified in

discharging the aforesaid accused persons.

Accordingly, the appeals are allowed and the impugned order of discharge

is set aside. Now the Special Court shall proceed further with the case. It is needless

to say that this order shall not in any manner prejudice case of the respondents during

trial.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

New Delhi,

November 29, 2005.