

ITEM NO.802

COURT NO.2

SECTION II-C

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.30017/2022

SATYENDRA KUMAR JAIN

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT

Respondent(s)

Date : 21-09-2022 This petition was MENTIONED today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) **Mr. Kapil Sibal, Sr. Adv. (Mentioned by)**
 Mr. Vivek Jain, AOR
 Mr. Bhavook chouhan, Adv.
 Mr. Rishikesh Kumar, Adv.
 Mr. Abhinav Jain, Adv.
 Mr. Adit S. Pujari, Adv.
 Ms. Manisha Singh, Adv.
 Ms. Sheenu Priya, Adv.

For Respondent(s) **Mr. S.V. Raju, ASG**
 Mr. M.K. Maroria, Adv.
 Mr. Zoheb Hussain, Adv.
 Mr. Anshuman Sigh, Adv.

UPON being mentioned the Court made the following
O R D E R

1 On mentioning, the matter is taken on the Board.

- 2 On 17 August 2022, the petitioner moved a second bail application before the Special Judge (PC Act) CBI - 24. Arguments on behalf of the accused and partially on behalf of the Directorate of Enforcement were addressed before the Special Judge on 23 August 2022, 27 August 2022, 30 August 2022, 1 September 2022, 8 September 2022 and 13 September 2022.
- 3 On 15 September 2022, the Additional Solicitor General submitted before the Special Judge that he had instructions to move an application for transfer of the bail applications and sought a short adjournment. In view of the request made, the Special Judge directed the proceedings to be put up on 20 September 2022.
- 4 An application for transfer was filed before the Principal District and Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse Avenue Court Complex, New Delhi which was taken up on 19 September 2022. While issuing notice on the application, the Principal District and Sessions Judge has made it returnable on 30 September 2022.
- 5 This Court has been moved on mentioning.
- 6 We have heard Mr Kapil Sibal, senior counsel appearing on behalf of the petitioner and Mr S V Raju, Additional Solicitor General who appears on behalf of the respondent.
- 7 This Court is not seized in these proceedings either with the application for bail which has been moved by the petitioner or, for that matter, the application for transfer which has been moved by the respondent.
- 8 The application for transfer was taken up on 19 September 2022 and is now listed on 30 September 2022. The net result is that the application for bail which has been moved by the petitioner would stand postponed to an uncertain future date beyond the decision on the application for transfer

which has been moved by the respondent. In such matters where the liberty of the accused is implicated, an application of that nature must be considered expeditiously and without delay.

- 9 During the course of the hearing, the Additional Solicitor General has fairly stated that he would be ready to proceed to a hearing of the application for transfer at the earliest possible date, namely, on 22 September 2022. Mr Kapil Sibal, senior counsel for the accused has no objection to this course of action.
- 10 We accordingly direct that the Principal District and Sessions Judge, Rouse Avenue Court Complex, shall take up the application for transfer which has been moved by the respondent, tomorrow i.e. 22 September 2022 and dispose it of.
- 11 It would be open to any party which is aggrieved by the decision on the application for transfer to seek recourse to appropriate remedies in law. The forum for considering and disposing of the application for bail will depend upon the order which will be passed by the Principal District and Sessions Judge, subject to such further orders as may be passed by any higher adjudicating forum.
- 12 The Special Leave petitions are accordingly disposed of.
- 13 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar