

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2609 OF 2025
(Arising out of S.L.P.(Criminal) No.12758 of 2024)

M.S. JAFFAR SAIT

... APPELLANT(S)

VS.

DIRECTORATE OF ENFORCEMENT

... RESPONDENT(S)

O R D E R

Leave granted.

2. Heard the learned senior counsel appearing for the appellant and the learned counsel appearing for the respondent-Directorate of Enforcement.

3. The appellant approached this Court with a very peculiar facts and circumstances of the case. Criminal Original Petition No.17762 of 2024 was filed before the High Court of Judicature at Madras with the prayer for quashing Enforcement Case Information Report (ECIR) No.CEZ0-I/35/2020 dated 22nd June, 2020. The appellant is accused No.1. On 21st August, 2024, by an oral order, a Division Bench of the High Court of Judicature at Madras allowed the petition. On 23rd August, 2024, the learned counsel representing the appellant received an intimation from the Registry to appear before the same Division Bench at 12.00 Noon. When the counsel for the appellant

appeared before the Division Bench, he was informed that the petition which was allowed by the Division Bench was again posted on 28th August, 2024. It is alleged that, on verification on the e-Courts portal, it was found that earlier status of the petition which reflected that the petition was "allowed" was changed to "28th August, 2024". That is how a Special Leave Petition out of which the present appeal arises, was filed before this Court.

4. On 6th September, 2024, this Court noted the submissions made; issued notice and stayed the proceedings of the restored petition. This Court called for the report of the Registrar General of the High Court of Judicature at Madras.

5. We have perused the report. The report shows that on 21st August, 2024, after hearing the learned counsel for the parties, the Division Bench dictated a short order allowing the petition. Accordingly, the Court Officer attached to the Division Bench marked the case bundle as "allowed" and handed over the bundle to the Personal Assistant of the Hon'ble Judges. The report submitted by the Registrar General also records that the case status showed the status of the petition as "allowed". In the report, it is stated that the Court Officer received oral directions from the Hon'ble Judges at 5.30 p.m. on 21st August, 2024 to re-list the case on 23rd August, 2024. Oral directions were also issued to

make the endorsement of the same on the case bundle. That is how the disposed of petition was again re-listed on 23rd August, 2024. Therefore, from the report of the Registrar General, we have no manner of doubt that the petition was allowed by the Division Bench of the High Court of Judicature at Madras. However, a reasoned order was not uploaded.

6. According to us, if the Division Bench intended to recall the order passed on 21st August, 2024, elementary principles of natural justice required the Division Bench to issue notice to the parties and especially the appellant, calling upon him to show cause why the final order passed in the petition should not be recalled. According to us, it was not appropriate on the part of the Bench to straight away list the petition for fresh hearing.

7. During the pendency of this appeal before this Court, now the circumstances have changed. The predicate offence has been quashed as against all the accused persons. Therefore, the learned Special Judge by an order dated 12th May, 2025 took a note of quashing of the predicate offence and accordingly, the pending case was disposed of by the said order.

8. Thus, the scenario, which emerges today, is that the predicate offence does not survive, in the sense, that the predicate offence has been quashed against all the accused persons and the same does not exist. Therefore, the ECIR deserves to be quashed.

9. Accordingly, we dispose of the pending Criminal Original Petition No.17762 of 2024 by quashing the ECIR No. CEZO-I/35/2020 dated 22nd June, 2020.

10. The appeal is accordingly allowed.

11. However, we clarify that in the event the order of quashing the predicate offence is set aside, the respondent can always apply to this Court for the recall of this order and for restoration of the ECIR.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
May 15, 2025

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 12758/2024

[Arising out of interim judgment and order dated 28-08-2024 in CRLP No. 17762/2024 passed by the High Court of Judicature at Madras]

M.S. JAFFAR SAIT

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT

Respondent(s)

Date : 15-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :

Mr. Gopal Sankaranarayan, Sr. Adv.

Mr. Sukant Vikram, AOR

Mr. Mubarak Ahmad, Adv.

Mr. Pradyut Kashyap, Adv.

For Respondent(s) :

Mr. Zoheb Hossain, Adv.

Mr. Annam Venkatesh, Adv.

Mr. Vivek Gurnani, Adv.

Mr. Samrat Goswami, Adv.

Mr. Arvind Kumar Sharma, AOR

Ms. Sweety Chauhan, Adv.

Ms. Akshita Choubey, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application, if any, also stands disposed
of.

(ANITA MALHOTRA)

AR-CUM-PS

(AVGV RAMU)

COURT MASTER

(Signed order is placed on the file.)