

2022 LiveLaw (SC) 608

IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

A.M. KHANWILKAR; J., J.B. PARDIWALA; J.

WRIT PETITION (CRIMINAL) NO. 40/2022; JULY 13, 2022

ABHISHEK SINGH CHAUHAN *versus* UNION OF INDIA & ORS.

Constitution of India, 1950; Article 32, 142 - Clubbing of FIRs - FIRs lodged against accused under various provisions of the Indian Penal Code (Section 420 IPC etc) and other State enactments in various states - Directs clubbing of all the FIRs State-wise, which can proceed together for one trial as far as possible - Multiplicity of the proceedings will not be in the larger public interest. Referred to: Amish Devgan vs. Union of India (2021) 1 SCC 1.

For Petitioner(s) Mr. Sushil Kumar Jain, Sr. Adv. Mr. Puneet Jain, Adv. Ms. Christi Jain, Adv. Mr. Umang Mehta, Adv. Ms. Shruti Singh, Adv. Mr. Mann Arora, Adv. Ms. Pratibha Jain, AOR Ms. Megha Karnwal, AOR

For Respondent(s) Ms. Ankita Choudhary, Dy. AG Mr. Abhinav Shrivastava, Adv. Mr. Sunny Choudhary, AOR Ms. Aishwarya Bhati, ASG Mr. Mayank Pandey, Adv. Mr. O.P. Shukla, Adv. Ms. Deepabali Dutta, Adv. Mr. Arvind Kumar Sharma, AOR Mr. Rahul Kumar, Adv. Ms. Kavita Bhardwaj, Adv. Ms. Pragati Neekhra, AOR Mr. Sourav Roy, Dy. AG Mr. Mahesh Kumar, Adv. Mr. Kaushal Sharma, Adv. Ms. Zohra Bano, Adv. Ms. Devika Khanna, Adv. Mrs. V.D. Khanna, Adv. Mr. Vmz Chambers, AOR Ms. Ruchira Goel, AOR Mr. S. C. Verma, Sr. Adv./Adv. Gen. Mr. Sumeer Sodhi, AOR Mr. Devashish Tiwari, Adv. Mr. Ramendra Mohan Patnaik, AOR Ms. Bansuri Swaraj, AAG Mr. Nihar Dharmadhikari, Adv. Dr. Monika Gusain, AOR Mr. Vishwa Pal Singh, AOR Mr. Surjeet Singh, Adv. Mr. Vikas Gothwal, Adv.

ORDER

In this writ petition filed under Article 32 of the Constitution of India, the principal relief claimed by the petitioner is regarding clubbing of all the FIRs registered in different States and for grant of bail respectively. The details of said FIRs are as follow: -

SI. NO.	FIR NO.	DATE	OFFENCES	POLICE STATION
WEST BENGAL				
1.	RC/40/S/2014	5.6.2015	S. 420, 120B & 34 IPC S. 4, 5 & 6 prize chits and money circulation schemes (Banning Act, 1978)	CBI/SCB/SIT Kolkata
RAJASTHAN				
2.	338/2018	12.09.2018	S. 420, 406, 120-B IPC	Pindwara, Sirohi
MAHARASHTRA				
3.	552/2016	15.04.2016	S. 420, 409 IPC S. 3 & 4 of The Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999	Ramnagar, Chandrapur
4.	533/2017	29.07.2017	S. 420, 504, 506, 34 IPC	Nahol, Sholapur

5.	467/2017	08.08.2017	S. 3 & 4 of The Maharashtra Protection of Interest of Depositors Sholapur (in Financial Establishments) Act, 1999	Bijapur Naka,
MADHYA PRADESH				
6.	915/2016	09.11.2016	S. 420, 409, 120B & 34 IPC S. 6 Madhya Pradesh Investor Protection Act, 2000	Kotwali, Sehore
7.	51/2017	08.2.2017	S. 420, 409, 120B & 34 IPC S. 6 Madhya Pradesh Investor Protection Act, 2000	Byawara Rural, Rajgarh
8.	03/2017	08.03.2017	S. 420, 409, 120B & 34 IPC S. 6 Madhya Pradesh Investor Protection Act, 2000	EOW, Bhopal
CHATTISGARH				
9.	146/2017	04.04.2017	S. 120B, 420 & 34 IPC The Chhattisgarh Protection of Depositors Interest Act, 2005	Surajpur
10.	127/2017	10.04.2017	S. 420 & 34 IPC The Chhattisgarh Protection of Depositors Interest Act, 2005	Kanker
11.	240/2017	16.04.2017	S. 420 IPC	Bemetara
12.	161/2017	21.04.2017	S. 420 IPC	Baloda, Baloda Bazar
13.	176/2017	02.05.2017	S. 420 IPC	Tila Nebra, Raipur
14.	591/2019	06.08.2019	S. 420 & 34 IPC	Raigarh Kotwali, Raigarh
15.	79/2019	10.08.2019	S. 420 IPC	Geedam, Dantewada

It is noticed that the crime registered in the State of West Bengal has been investigated by C.B.I. and chargesheet has also been filed in connection with the said case. We are also informed by the learned Additional Solicitor General that the trial has also commenced in that case. As a result, no direction can be issued for clubbing of other cases with the said case being investigated by the special Investigating Agency i.e., C.B.I.

As regards crimes registered against the petitioner in the State of Maharashtra, Madhya Pradesh and Chhattisgarh in each of these States, the trial will proceed before the Special Court under the special enactment, namely, Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, Madhya Pradesh Investor Protection Act, 2000 and Chhattisgarh Protection of Depositors Interest Act, 2005 respectively.

The cases in the concerned States, to be tried by the Special Court can be conveniently clubbed, for being tried together as has been directed in the case of Radhey Shyam vs. State of Haryana & Ors.in Writ Petition (Crl.) No.75/2020 vide Order dated 12.05.2022.

Following the exposition of this Court in ***Amish Devgan vs. Union of India & Ors.***¹, we deem it appropriate in exercise of power under Article 142 of the Constitution of India, to direct clubbing of all the FIRs State-wise, which can proceed together for one trial as far as possible, as we are of the opinion that multiplicity of the proceedings will not be in the larger public interest. We may hasten to add that the concerned States have no objection for abiding with such dispensation.

In other words, the offence registered in the State of West Bengal being RC/40/S/2014 dated 05.06.2015 registered with CBI/SCB/SIT, Kolkata, will proceed before the concerned Court in the State of West Bengal independently. Similarly, the FIR registered at Pindwara, Sirohi, State of Rajasthan being FIR No. 338/2018 dated 12.09.2018 shall proceed before the concerned jurisdictional Court in that State itself being the only case registered in connection with the Indian Penal Code (IPC) offences in that State and cannot be clubbed with the cases pending in other States, as the same will have to proceed under the special enactment of the concerned State.

As regards three cases registered in the State of Maharashtra, the same will have to proceed under the special enactment² before the special Court. It can be conveniently proceeded together. Accordingly, the subsequently registered FIRs being FIR Nos. 533/2017 dated 29.07.2017 registered at Nahol, Sholapur and 467/2017 dated 08.08.2017 registered at Bijapur Naka, Sholapur, need to be clubbed with FIR No. 552/2016 dated 15.04.2016 registered at Ramnagar, Chandrapur.

On the same pattern, the subsequently registered two FIRs³ in the State of Madhya Pradesh need to proceed together with FIR No. 915/2016 dated 09.11.2016 registered at Kotwali, Sehore being the earliest FIR registered under the special enactment⁴, before the jurisdictional special Court at Sehore.

Similarly, the subsequently registered FIRs⁵ in the State of Chhattisgarh need to be clubbed with FIR No. 146/2017 dated 04.04.2017 registered at Surajpur, Distt. Surajpur under the special enactment⁶ as applicable to the State of Chhattisgarh, to be tried by the jurisdictional special Court at Surajpur, Distt. Surajpur.

In each of the States, where directions for clubbing of FIRs is being passed, the subsequently registered FIRs shall be treated as statements under Section 161 of the Code of Criminal Procedure (Cr.P.C.). The investigating officer in criminal case arising from the first FIR in the concerned State, as referred to above, will be free to file supplementary chargesheet after collation of all the records concerning other FIRs in the respective States, which are clubbed in terms of this order. In the event, the investigating

¹ (2021) 1 SCC 1

² Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999

³ FIR Nos. 51/2017 dated 08.02.2017 registered at Byawara Rural, Rajgarh and 03/2017 dated 08.03.2017 registered at EOW, Bhopal.

⁴ Madhya Pradesh Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam, 2000

⁵ FIR Nos. 127/2017 dated 10.04.2017 registered at Kanker, Distt. Kanker, 240/2017 dated 16.04.2017 registered at Bemetara, Distt. Bemetara, 161/2017 dated 21.04.2017 registered at Baloda, Baloda Bazar, Distt. Janjgir-Champa, 176/2017 dated 02.05.2017 registered at Tila Nebra, Raipur, 591/2019 dated 06.08.2019 registered at Raigarh Kotwali, Raigarh and 79/2019 dated 10.08.2019 registered at Geedam, Dantewada, Distt. Dantewada

⁶ Chhattisgarh Protection of Depositors Interest Act, 2005

officer in other FIRs had already filed the police report under Section 173 of the Cr.P.C. before the concerned Court and the concerned Court had taken cognizance thereof, the said FIRs and criminal cases would also stand transferred and merged/clubbed alongwith the first criminal case⁷ registered in the respective State, as referred to above, to be proceeded with in accordance with law. The investigating officer in the stated case (principal case to which the subsequent FIRs would stand merged/clubbed), will be free to file supplementary chargesheet on the basis of material collated during investigation of other FIRs.

Needless to observe that the other offences not part of the special enactments can also be tried by the special Court under the concerned State legislation.

It is clarified that this direction is limited to general offences, the offences under the IPC and the offences under the special State legislations; and not offences concerning the Prevention of Money Laundering Act (PMLA), 2002, which have to proceed under a separate legislation and of which the investigation is done by a separate investigating agency.

In other words, all cases in the State of Maharashtra will stand clubbed with FIR No. 552/2016 dated 15.04.2016, registered with Police Station Ramnagar, Chandrapur, and to be tried by Special Court at Chandrapur (Maharashtra). Similarly, all criminal cases arising from the FIRs filed at the different point of time in the State of Madhya Pradesh will stand clubbed with FIR No. 915/2016 dated 09.11.2016, registered with Police Station Kotwali, Sehore – to be tried by Special Court, Sehore (Madhya Pradesh); and in the State of Chhattisgarh on the same lines will stand clubbed with FIR No. 146/2017 dated 04.04.2017 registered with Police Station Surajpur – to be tried by Special Court at Surajpur (Chhattisgarh).

If the accused has been granted bail in connection with the principal FIR or criminal case arising therefrom, in which the other FIRs/criminal cases will stand clubbed/merged in terms of this order, the bail so granted must enure in his favour until the Court of competent jurisdiction cancels the same owing to supervening circumstances including breach of bail conditions. In case, no bail has been granted in the principal FIR (case), the appellant may apply for the same before the jurisdictional court competent to try the principal crime. That be decided on its own merits.

The writ petition is disposed of in the above terms.

Pending application(s), if any, shall stand disposed of.

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⁷ FIR No. 552/2016 dated 15.04.2016 registered at Ramnagar, Chandrapur (State of Maharashtra); FIR No. 915/2016 dated 09.11.2016 registered at Kotwali, Sehore (State of Madhya Pradesh); Fir No. 146/2017 dated 04.04.2017 registered at Surajpur, Distt. Surajpur (State of Chhattisgarh)