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**THE HIGH COURT OF KERALA**

Ernakulam-682031  
 Email: dlsection.hc-ker@gov.in  
 Phone: 0484-2562985  
 Fax: 0484-2562451

**Dated: 06-02-2021**

**No: DI-3/ 27146/2020**

**OFFICIAL MEMORANDUM**

Sub: Order of the Hon'ble Supreme Court of India dated 15.10.2020 in Misc. Application No 1577/2020 in CrI. Appeal Nos. 1375-1376/2013 etc. titled 'Asian Resurfacing of Road Agency Pvt. Ltd. & Anr. Vs Central Bureau of Investigation'- reg.

Ref: OM No. D3-36046/2018 dated 22.05.2018 of this Court

.....  
 A copy of the order cited is communicated herewith for strict compliance of the directions contained therein.

(By Order)

Sujatha P. Hari  
 Assistant Registrar

Encl: as above

To

All the Principal District Judges in the State.

(They shall communicate the above to all the judicial officers in their districts, immediately)

All Officers and Sections on the Judicial side of the High Court  
 The A Section, High Court  
 The E Section, High Court

Note: Reply, if any, shall be addressed to the Registrar (District Judiciary) or can also be sent to fax number shown above.

16/2/21  
 12/2

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 12/2/21  
 15.2.21

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 1577 OF 2020

IN

CRIMINAL APPEAL NOS. 1375-1376 OF 2013

ASIAN RESURFACING OF ROAD AGENCY PVT. LTD. & ANR. Appellant(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

Respondent(s)

O R D E R

Having heard Mr. Dilip Annasaheb Taur, learned counsel for the applicant and Mr. S.V. Raju, learned ASG for the respondent, we are constrained to point out that in our directions contained in the judgment delivered in Criminal Appeal Nos. 1375-1376 of 2013 [*Asian Resurfacing of Road Agency Pvt. Ltd. & Anr. vs. Central Bureau of Investigation*] and, in particular, para 35, it is stated thus:

"35. ... In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. The trial Court where order of stay of civil or criminal proceedings is produced, may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence unless order of extension of stay is produced."

Learned Additional Chief Judicial Magistrate, Pune, by his order dated 04.12.2019, has instead of following our judgment in letter as well as spirit, stated that the Complainant should move application before the High Court to resume the trial. The Magistrate goes on to say: "The lower Court cannot pass any order which has been stayed by the Hon'ble High Court, Bombay with due

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respect of ratio of the judgment in *Asian Resurfacing of Agency Pvt. Ltd. & Anr.* (supra)." We must remind the Magistrates all over the country that in our pyramidal structure under the Constitution of India, the Supreme Court is at the Apex, and the High Courts, though not subordinate administratively, are certainly subordinate judicially. This kind of orders fly in the face of para 35 of our judgment. We expect that the Magistrates all over the country will follow our order in letter and spirit. Whatever stay has been granted by any court including the High Court automatically expires within a period of six months, and unless extension is granted for good reason, as per our judgment, within the next six months, the trial Court is, on the expiry of the first period of six months, to set a date for the trial and go ahead with the same.

With this observation, the order dated 04.12.2019 is set aside with a direction to the learned Additional Chief Judicial Magistrate, Pune to set down the case for hearing immediately.

Miscellaneous Application is disposed of accordingly.

..... J.  
(ROHINTON FALI NARIMAN)

..... J.  
(NAVIN SINHA)

..... J.  
(K.M. JOSEPH)

New Delhi;  
October 15, 2020.

ITEM NO.27

Court 3 (Video Conferencing)

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

Miscellaneous Application No. 1577/2020 in CrI. Appeal No(s).  
1375-1376/2013

(Arising out of impugned final judgment and order dated 25-04-2018  
in CrI.A. No. No. 1375/2013 passed by the Supreme Court Of India)

ASIAN RESURFACING OF ROAD AGENCY P. LTD. & ANR. Appellant(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

Respondent(s)

(FOR ADMISSION and IA No.15196/2020-EXEMPTION FROM FILING O.T. and  
IA No.15193/2020-INTERVENTION/IMPLEADMENT and IA No.15201/2020-  
CLARIFICATION/DIRECTION and IA No.15190/2020-APPLICATION FOR  
PERMISSION)

Date : 15-10-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE NAVIN SINHA  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Dilip Annasaheb Taur, AOR

For Respondent(s) Mr. S.V. Raju, ASG  
Ms. Binu Tamta, Adv.  
Ms. Rukhmini Bobde, Adv.  
Mr. V.V.V. Pattabhiram, Adv.  
Mr. Arvind Kumar Sharma, AOR

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

Application for impleadment is allowed.

Miscellaneous Application is disposed of in terms of the  
signed order.

Pending applications also stand disposed of.

(R. NATARAJAN)  
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)  
BRANCH OFFICER

(Signed order is placed on the file)