

ITEM NO.4

COURT NO.8

SECTION X

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

Writ Petition(s)(Criminal) No(s). 239/2019

VIJAY SHUKLA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ANR.

Respondent(s)

(FOR ADMISSION and IA No.132358/2019-EX-PARTE STAY)

Date : 19-09-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. V. Mohana, Sr. Adv.  
Mr. Gautam Awasthi, AOR  
Mr. Devanshu Yadav, Adv.  
Ms. Rabiya Thakur, Adv.  
Mr. Prasouk Jain, Adv.  
Mr. Siddhant Nanda, Adv.

For Respondent(s) Mr. K.K. Venugopal, AG  
UOI Mr. Tushar Mehta, SG  
Ms. Madhavi Divan, ASG  
Mr. Prashant Singh, Adv.  
Ms. Shraddha Deshmukh, Adv.  
Mr. Arvind Kumar Sharma, AOR

Serious Fraud Mr. K.K. Venugopal, AG  
Investigation Mr. Tushar Mehta, SG  
Mr. Kanu Agarwal, Adv.  
Mr. Rajat Nair, Adv.  
Mr. Neeraj Sharma, AOR

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

Heard learned Attorney General for India and  
counsel for the parties.

Considering the fact that the challenge to  
Section 212 of the Companies Act, 2013 is already

pending before this Court in Transferred Case (Cr1.) No.5 of 2018, this petition be tagged along with the said matter. Mr. Arvind Kumar Sharma and Mr. Neeraj Sharma, Advocates for the concerned respondents waive notice. Affidavits may be exchanged within four weeks.

As regards prayer for interim relief, we decline the same in this proceedings but grant liberty to the petitioner to pursue appropriate remedy before the concerned Court by way of application for anticipatory bail/bail or quashing as the case may be, which be considered on its own merits in accordance with law.

The fact that challenge to Section 212 of the Companies Act is pending before this Court will be no impediment for the petitioner to pursue appropriate remedies before the concerned Court(s).

The interim direction issued on 03.09.2019 will, however, continue for a period of ten days from today to enable the petitioner to approach the appropriate Court.

As requested by the learned Attorney General, we once again clarify that the concerned Court shall proceed in the matter before it

uninfluenced by the fact that limited protection had been given to the petitioner by this Court as noted hitherto.

We make it clear that this order including dated 03.09.2019, shall not be treated as a precedent in future.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER