

ITEM NO.2                      Court 6 (Video Conferencing)                      SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 761-762/2021

THE STATE OF TELANGANA REPBY SPECIAL OFFICER  
VANDHANA & ORS.

Appellant(s)

VERSUS

M/S HEERA GOLD EXIM PRIVATE LIMITED & ORS.

Respondent(s)

( [FOR DIRECTIONS] )

WITH

W.P.(Cr1.) No. 31/2020 (X)

I.A.NO. 34642 OF 2020(APPLICATION FOR IMPLEADMENT FILED BY MR. RAME  
SH KR. MISHRA, ADV.) WITH

I.A.NO. 50447 OF 2021  
(APPLICATION FOR IMPLEADMENT FILED BY MR. KAMAL MOHAN GUPTA, ADV.)

I.A.NO.DY NO. 54549 OF 2021  
(APPLICATION FOR IMPLEADMENT FILED BY MR. NARESH KUMAR, ADV.)

I.A.NOS. 64224, 64955, 65461, 66147, 67811, 70859, 81551, 81708,  
82543, 83362, 83472, OF 2021 (APPLICATION FOR INTERVENTION)

I.A.NO.Dy Nos. 83481 of 2021 (APPLICATION FOR DIRECTION)

I.A.NO.DY.NO. 86403 OF 2021  
(APPLICATION FOR INTERVENTION FILED BY MR. AAKARSHAN ADITYA,  
ADVOCATE)

I.A.NO.90328 OF 2021  
(APPLICATION FOR INTERVENTION FILED BY MR. ABHIKALP PRATAP,  
ADVOCATE)

I.A.NO. 91763 OF 2021  
(APPLICATION FOR INTERVENTION FILED BY SYED MEHDI IMAM, ADVOCATE.)

I.A.NO.94824 AND 94826 OF 2021  
(APPLICATION FOR INTERVENTION FILED BY Mr. RASHID SAEED, ADV. )

I.A.NO.. 97808 OF 2021  
(APPLICATION FOR INTERVENTION FILED BY MR. ABHIKAP PRATAP SINGH,  
ADV.)

I.A.NO.Dy NO. 107281 OF 2021

(APPLICATION FOR INTERVENTION FILED BY MR. SHASHIBHUSHAN P. ADGAONKAR, ADV.)

I.A.NO. Dy NO. 107284 OF 2021  
(APPLICATION FOR DIRECTION FILED BY MR. SHASHIBHUSHAN P. ADGAONKAR, ADV.)

I.A.NO. 113654 OF 2021  
(APPLICATION FOR INTERVENTION FILED BY MR. ABHIKALP PRATAP SINGH, ADV.)

I.A.NO. 120586 OF 2021  
(APPLICATION FOR INTERVENTION FILED BY MR. AVINASH SHARMA, ADV.)

I.A.NO.DY No. 120682, 120685, 120687 AND 120690 OF 2021  
(APPLICATION FOR INTERVENTION, APPLICATION FOR EXEMPTION FROM FILING ATTESTED AFFIDAVIT, APPLICATION FOR DIRECTION ALONG WITH APPLICATION FOR EXEMPTION FROM FILING ATTESTED AFFIDAVIT FILED BY MR. KUMAR MIHIR, ADV.)

I.A.NO.Dy NO. 121680 OF 2021  
(APPLICATION FOR INTERVENTION FILED BY MR. SHASHIBHUSHAN P. ADGAONKAR, ADV.)

I.A.NO.DY NO. 121683 OF 2021 (APPLICATION FOR DIRECTION)

I.A.NO.Dy NO. 121731 OF 2021  
(APPLICATION FOR INTERVENTION FILED BY MR. AVINASH SHARMA, ADV.)

I.A.NO.DY NO. 129561 OF 2021  
(APPLICATION FOR INTERVENTION FILED BY MR. AVINASH SHARMA, ADV.)

I.A.NO.Dy No. 139017 OF 2021  
(APPLICATION FOR INTERVENTION FILED BY MR. AVINASH SHARMA, ADV.)

I.A.NO. 139585 OF 2021  
(APPLICATION FOR IMPLEADMENT FILED BY MR. SADASHIV, ADV.) WITH

I.A.NO.150443 OF 2021  
(APPLICATION FOR INTERVENTION FILED BY MR. ABHIKALP PRATAP SINGH,ADV.)

I.A.NO.7777 OF 2022  
(APPLICATION FOR IMPLEADMENT FILED BY MR. NARESH KUMAR, ADV.)

I.A.NO. 8197 OF 2022  
(APPLICATION FOR INTERVENTION FILED BY MR. SHASHIBHUSHAN P. ADGAONKAR,ADV.)

I.A.NO. 18497/2022  
(Application for Intervention filed by Mr. Avinash Sharma, Adv.)

Date : 09-02-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Ranjit Kumar, Sr. Adv.  
Mr. Avtar Singh Rawat, Sr. Adv.  
Mr. Nikhil Rohatgi, Adv.  
Mr. Ankit Shah, Adv.  
Mr. Sadashiv, AOR  
  
Mr. R. Basant, Sr. Adv.  
Mr. S. Udaya Kumar Sagar, AOR  
Ms. Sweena Nair, Adv.

For Respondent(s)

Mr. S.V. Raju, Ld. ASG  
Ms. Sairica Raju, Adv.  
Ms. Abhishek Kr., Adv.  
Mr. Zoheb Hussain, Adv.  
Mr. Kanu Agrawal, Adv.  
Mr. Sughosh Subramaniam, Adv.  
Mr. Surya Prakash Nigam, Adv.  
Mr. M.K. Maroria, AOR  
Mr. Arvind Kumar Sharma, AOR  
  
Mr. Ranjit Kumar, Sr. Adv.  
Mr. A.S. Rawat, Sr. Adv.  
Mr. K.K. Tyagi, Adv.  
Mr. Ganesh Barowalia, Adv.  
Mr. Rajeev Kumar Bansal, AOR  
  
Mr. B. Krishna Prasad, AOR  
  
Mr. Aakarshan Aditya, Adv.  
Mr. Vibhu Tiwari, Adv.  
Mr. Satish C. Kaushik, Adv.  
  
Mr. Rahul Chitnis, Adv.  
Mr. Sachin Patil, AOR  
Mr. Aaditya A. Pande, Adv.  
Mr. Geo Joseph, Adv.  
Mr. Shwetal Shepal, Adv.  
  
Mr. K.N. Balgopal, Sr. Adv.  
Mr. Nishe Rajen Shonker, AOR  
Mr. Mohit Kumar Gupta, Adv.  
Ms. Anu K. Joy, Adv.  
Mr. Alim Anvar, Adv.

Mr. Mahfooz Ahsan Nazki, AOR  
Mr. Polanki Gowtham, Adv.  
Mr. Shaik Mohamad Haneef, Adv.  
Ms. Rajeswari Mukherjee, Adv.  
Mr. K.V. Girish Chowdary, Adv.

Mr. Shubhranshu Padhi, AOR  
Mr. Ashish Jain, Adv.  
Mr. Rakshit Jain, Adv.  
Mr. Vishal Banshal, Adv.

Mr. Vikrant Singh Bais, AOR

Mr. Sadineni Ravi Kumar, AOR

Mr. Gaurav Goel, AOR

Mr. Gaurav Agrawal, Adv.  
Mr. Abhikalp Pratap Singh, AOR  
Mr. Ashul Agrawal, Adv.  
Mr. Nawaz Shaikh, Adv.  
Mr. Himanshu Shekhar Tripathi, Adv.  
Ms. Bhavya Tyagi, Adv.

Mr. Jaimon Andrews, Adv.  
Ms. Piyo Harold Jaimon, Adv.  
Mr. Sandeep Thakur, Adv.  
Mr. Naresh Kumar, AOR

Mr. Mohd. Zahid Hussain, Adv.  
Mr. Camran Iqbal, Adv.  
Mr. Comred Iqbal, Adv.  
Ms. Sangeeta Sunanda, Adv.  
Mr. Kamal Mohan Gupta, AOR

Mr. Anil Kumar, Adv.  
Mr. Umang Tripathi, Adv.  
Mr. Kamal Mohan Gupta, Adv.

Mr. Syed Mehdi Imam, AOR  
Mr. Tabrez Ahmad, Adv.  
Mr. Shane Elahi Turkey, Adv.  
Mr. Jawaid Muzaffar, Adv.

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Mr. Shane Elahi Turkey, Adv.  
Mr. Jawaid Muzaffar, Adv.

Mr. Shashibhushan P. Adgaonkar, AOR

Mr. Anuj Prakash, Adv.

Ms. Apurva Jain, Adv.  
Mr. Kumar Mihir, AOR

Mr. Ramesh Kumar Mishra, AOR

Mr. Avinash Sharma, AOR

Mr. Md. Rashid Saeed, AOR  
Ms. Aashi Arora, Adv.

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

IA NO.86403/2021 IN WP(CRL.) NO. 31/2020

Learned applicant makes a genuine grievance that despite the lapse of considerable period of time from the date when notice was issued on 28.10.2021, based on the submission that qua the property which they had, the decree is sought to be offered for realization of dues, the petitioners have not filed the reply nor there is any response from the prosecuting agency.

The needful be done within two weeks.

List on 15.03.2022.

IA No. 139585/2021

In view of order dated 28.10.2021, this application stands disposed of.

WP(CRL.) NO. 31/2020

The second report filed by the learned ASG has been perused. We have put to learned counsel that it is difficult to traverse a path where the investigating agency keeps on billing the accused for their investigation. This may create a wrong precedent elsewhere. We may consider

releasing some part of the amount out of the funds seized. Ultimately the initial burden is on the prosecuting agency to bear the cost of investigation. A number of Courts have expressed the views on the inadequacy of the number of FSLs. If the complexity of the alleged frauds have gone up so as the technology which should be available both in hardware and software and manpower with the investigating agency to deal with same.

Mr. Ranjit Kumar, learned senior counsel makes a suggestion if the facilities of the company are utilized, obtaining the requisite data may become much simpler. Learned ASG states that he will take instructions in this behalf as to how this can be done securely. Another aspect over which some apprehension has been expressed by the company is that the relevant machines had been dumped in a truck and taken away three years ago and even their condition is not known as on today. That is the aspect which the learned ASG will verify. The CCS of the Telangana State Authority seized the machines and the said CCS will provide a list of the seized machines to the learned ASG within three days with the copy to the company.

To say the least three years has been a long period of time to come to grips with the nature and extent of offences but we are still trying to get some light on it.

List in 15.03.2022.

In the end we may express some concern about the endeavours of some investors in addressing communications

to Judges or endeavouring to send messages through whatsapp. We appreciate their concern but that is the not the method for seeking redressal. We therefore call upon them to desist from doing so.

**(CHARANJEET KAUR)**  
**ASTT. REGISTRAR-cum-PS**

**(POONAM VAID)**  
**COURT MASTER (NSH)**