

[2023] 16 S.C.R. 1133 : 2023 INSC 1090

CASE DETAILS

ENFORCEMENT DIRECTORATE GOVERNMENT OF INDIA

v.

KAPIL WADHAWAN & ANR. ETC.

(Interlocutory Application No. 74084 of 2023)

In

(Criminal Appeal Nos. 701-702 of 2020)

APRIL 24, 2023

**[K. M. JOSEPH, HRISHIKESH ROY AND
B. V. NAGARATHNA, JJ.]**

HEADNOTES

Issue for consideration: Matter pertains to application filed by the appellant seeking clarification of the judgment dated 27.03.2023 passed by this Court in Crl App Nos. 701-702 of 2020, Enforcement Directorate, Government of India v. Kapil Wadhawan & Anr. Etc.

Code of Criminal Procedure, 1973 – s. 167(2) – Judgment/order as regards grant of default bail – Clarification of – Application by the appellant seeking clarification of the judgment dated 27.03.2023 passed by this Court in Crl App Nos. 701-702 of 2020 Enforcement Directorate, Government of India v. Kapil Wadhawan & Anr. Etc.:

Held: Paragraph 51 in the Crl App Nos. 701-702 of 2020 pronounced on 27.03.2023 by this Court is clarified, making the corrections as stated therein. [Para 3]

**OTHER CASE DETAILS INCLUDING IMPUGNED
ORDER AND APPEARANCES**

CRIMINAL APPELLATE JURISDICTION: Interlocutory Application No.74084 of 2023 in Criminal Appeal Nos.701-702 of 2020.

From the Judgment and Order dated 20.08.2020 of the High Court of Judicature at Bombay in LD-VC-BA Nos.400 and 401 of 2020.

Appearances:

S. V. Raju, A.S.G., Mukesh Kumar Maroria, Kanu Agarwal, Rajan Kumar Choursia, Annam Venkatesh, Ms. Sairica Raju, Arkaj Kumar, Zoheb Hussain, Advs. for the Appellant.

Kapil Sibal, Mukul Rohatgi, Sr. Advs., Mahesh Agarwal, Ankur Saigal, Rohan Dakshini, Shubham Kulshreshtha, Kaustubh Singh, Ms. Kamakshi Sehgal, Ms. Pooja Kothari, Ms. Urvi Gupte, E. C. Agrawala, Shrirang B. Varma, Siddharth Dharmadhikari, Aaditya Aniruddha Pande, Bharat Bagla, Sourav Singh, Sarad Kumar Singhania, Amit K. Nain, Advs. for the Respondents.

JUDGMENT / ORDER OF THE SUPREME COURT**ORDER**

1. This application is filed by the applicant/appellant seeking clarification of the judgment dated 27th March, 2023 passed by this Court. The relief sought in the prayer, *inter alia*, is as follows:-

“(I) Clarify ‘Para 51’ of the Judgment dated 27.03.2023 passed by this Hon’ble Court to the effect that the said judgment is only restricted to answering the issue referred to the larger bench and that several other issues which have been raised in the appeal would have to be considered by the appropriate bench of this Hon’ble Court till which time the impugned order of the High Court granting default bail, cannot be upheld by holding the same to be either correct or found to be in order.”

2. Heard Mr. S. V. Raju, learned Additional Solicitor General appearing on behalf of the applicant/appellant and Mr. Mukul Rohatgi and Mr. Kapil Sibal, learned senior counsel appearing on behalf of the respondents.

3. The paragraph-51 in the Criminal Appeal Nos.701-702 of 2020 pronounced on 27.03.2023 by this Court following correction, should now read as under:-

“51. Following the above discussion and opinion, the impugned order of the High Court granting default bail to the respondents by applying the proviso (a) (ii) of Section 167(2) CrPC is found to be in order in

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terms of the reference made before this Court in respect of question referred before this Court and answered by us. Hence, we also uphold the impugned judgment dated 20.08.2020 passed by the learned Single Judge of the Bombay High Court. Any other pending issues arising from these appeals are to be addressed by an appropriate Bench of this Court.”

4. The Interlocutory Application No.74084 of 2023 is allowed.

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

Headnotes prepared by:
Nidhi Jain

IA allowed.