

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NOS. 1872-1873 OF 2009
(Arising out of SLP(Crl.) Nos.6900-6901/2009)**

STATE OF MAHARASHTRA AND ANR. APPELLANT(S)

VERSUS

SANJAY DALMIA AND ORS. RESPONDENT(S)

WITH

**CRIMINAL APPEAL NO. 1874 OF 2009
(Arising out of SLP(Crl.) No.7294/2009)**

**M/S. INDIABULLS FINANCIALS SERVICES
LTD. APPELLANT(S)**

VERSUS

SANJAY DALMIA AND ORS. RESPONDENT(S)

**JUDGMENT
O R D E R**

Leave granted.

**This order will dispose of both these
appeals. Brief facts which are necessary to dispose
of these appeals are recapitulated as under:**

The First Information Report, (for short the FIR) No.137/2009 dated 25th July, 2009 under Sections 420 and 120-B of the I.P.C. has been filed at the Police Station Colaba, District Mumbai, against the respondent Sanjay Dalmia.

The respondent filed a writ petition for quashing the said FIR before the High Court of Delhi at New Delhi. The learned Single Judge of the Delhi High Court has directed the respondent to join the investigation and further directed that there shall be stay of any coercive process against the respondent by the State.

The State of Maharashtra and the complainant have approached this Court against the said order dated 26.8.2009 passed by the learned Single Judge of the Delhi High Court in Writ Petition (Criminal) No. 1184/2009.

In the facts and circumstances of the case, we direct the respondent Sanjay Dalmia to join the investigation and fully cooperate with the

Investigation Agency. In case, the respondent wants to initiate any proceedings emanating from FIR No. 137/2009, the same would be initiated only in Mumbai Courts. The subordinate courts in Mumbai would decide those proceedings on the merits of those proceedings without being influenced by the order of the High Court of Delhi dated 26.8.2009 passed in Writ Petition (Crl.) No. 1184/2009.

The respondent is further directed to deposit his passport with the Registrar General of the High Court of Bombay, within ten days from today. The respondent Sanjay Dalmia is permitted to travel abroad only after obtaining prior permission of the Bombay High Court. The interim protection granted by the Delhi High Court shall continue for a further period of six weeks.

In the facts and circumstances of the case, we deem it appropriate to transfer the proceedings of Writ Petition (Crl.) No. 1184/2009 pending before the learned Single Judge of the Delhi High

Court to the Bombay High court. The Registrar General of the Delhi High Court is directed to send the records of Writ Petition (Crl.) No. 1184/2009 to the Bombay High Court.

We request the Hon'ble Chief Justice of the High Court of Bombay to assign (Writ Petition (Crl.) No.1184/2009) transferred from the Delhi High Court to Bombay High Court, to an appropriate Bench. All the parties may appear before the Bombay High Court on 3rd November, 2009.

The appeals are disposed of accordingly.

.....J
(DALVEER BHANDARI)

.....J
(Dr. MUKUNDAKAM SHARMA)

NEW DELHI,
OCTOBER 5, 2009.