

NON - REPORTABLE

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

Miscellaneous Application No. _____ of 2023

@ Dy. No. 16203 of 2023

With

Interlocutory Application No. 79306, 79307 & 79308 of 2023

in

Criminal Appeal No. 463 of 2022

Vijay Kumar Ghai & Ors.

... APPELLANT(S)

VERSUS

State of West Bengal & Ors.

... RESPONDENT(S)

Amit Jalan

... APPLICANT

JUDGMENT

KRISHNA MURARI, J.

The present Miscellaneous Application has been moved by the applicant- Amit Jalan along with the application seeking permission to file intervention.

2. We have heard learned counsel for the applicant. The applicant who is not a party to the proceedings in Criminal Appeal No. 463 of 2022, which was decided by this Court vide order dated 22.03.2022, is seeking clarification of the said order solely on the ground that the same may have a bearing on the case of the applicant.

3. From a perusal of pleadings, we find that three criminal prosecutions were launched by the Revenue Department under Sections 132 and 135 of the Customs Act, 1962, against the applicant which in turn were based upon three adjudication proceedings initiated by the department.

4. Learned counsel for the applicant contends that in all the three adjudication proceedings, the issue has been decided finally in favour of the applicant by CESTAT. Still the criminal proceedings are continuing and in the light of the judgment dated 22.03.2022 passed by this Court in Criminal Appeal No. 463 of 2022, is liable to be quashed and in the light of the law laid down by this Court vide judgment dated 22.03.2022, the continuation of criminal proceedings are nothing but an abuse of process of law.

5. A perusal of the pleadings go to show that the clarification is being sought that the law laid down by the Court vide judgment dated 22.03.2022 rendered in Criminal Appeal No. 463 of 2022 ought not to be restricted to the facts of the case but made applicable to all cases including those pending against the applicant.

5. We have no hesitation in stating that the application is totally misconceived. It goes without saying that the law declared by this Court is binding on everybody but an authority/court seized with a particular case is required to test the facts of that case in order to come to the conclusion that the law declared by this Court is applicable to the facts of the case pending before the said authority or Court.

6. We have no reason to doubt that the court/authority before whom the proceedings are pending, shall adjudicate the same on its own merits and shall follow the law declared by this Court, if the facts of the case so warrant.

7. In view of the above, the permission for intervention is refused and accordingly, the intervention and the clarification application stands dismissed.

8. The Miscellaneous Application stand disposed of accordingly.

.....J.
(KRISHNA MURARI)

.....J
(AHSANUDDIN AMANULLAH)

**NEW DELHI;
APRIL 26, 2023**