

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2024
(arising out of SLP(Crl.) No. 5653 of 2024)

CENTRAL BUREAU OF INVESTIGATION APPELLANT(S)

VERSUS

NARENDRAKUMAR BALDOTA & ORS. RESPONDENT(S)

with

CRIMINAL APPEAL NO. _____ OF 2024
(arising out of SLP(Crl.) No. 5297 of 2024)

CRIMINAL APPEAL NO. _____ OF 2024
(arising out of SLP(Crl.) No. 5268 of 2024)

CRIMINAL APPEAL NO. _____ OF 2024
(arising out of SLP(Crl.) No. 5650 of 2024)

CRIMINAL APPEAL NO. _____ OF 2024
(arising out of SLP(Crl.) No. 5408 of 2024)

CRIMINAL APPEAL NO. _____ OF 2024
(arising out of SLP(Crl.) No. 5031 of 2024)

CRIMINAL APPEAL NOS. _____ OF 2024
(arising out of SLP(Crl.) Nos. 5777-5781 of 2024)

CRIMINAL APPEAL NO. _____ OF 2024
(arising out of SLP(Crl.) No. 4703 of 2024)

CRIMINAL APPEAL NO. _____ OF 2024
(arising out of SLP(Crl.) No. 4925 of 2024)

CRIMINAL APPEAL NO. _____ OF 2024
(arising out of SLP(Crl.) No. 4889 of 2024)

and

CRIMINAL APPEAL NO. _____ OF 2024
(arising out of SLP(Crl.) No. 4841 of 2024)

O R D E R

Leave granted.

In our opinion, the Record of Proceedings¹ dated 16.09.2013 in I.A. Nos. 189 and 188 in Writ Petition (Civil) No. 562/2009, titled "*Samaj Parivartan Samudaya & Ors. v. State of Karnataka & Ors.*", in clause (a), postulated few conditions for the Central Bureau of Investigation² to register criminal cases. The first condition was that the exporters in question should have been enquired into in the preliminary enquiry; secondly, they should have exported iron ore of more than 50,000 Metric Tons without a permit; and thirdly, their names should have been mentioned by the Central Empowered Committee in its report dated 05.09.2012.

It is pertinent to note that clause (a) in the RoP dated 16.09.2013 only related to the initiation of investigation and enquiry by the CBI. The First Information Report³, which is placed on record, would show that the total quantum that was sought to be investigated in the case of M/s. MSPL Limited was 1,95,085 MT iron ore. This exercise would show that the condition of 50,000 MT was satisfied.

During the course of the hearing, our attention was drawn to the chargesheet and the language used therein. Our specific attention was drawn to paragraph 15.19 of the chargesheet. The said paragraph, in the beginning, stated that the investigation had

1 For short, "RoP."

2 For short, "CBI."

3 For short, "FIR."

revealed that MSPL Ltd. had exported 98,080 MTs of iron ore without valid permits. Out of the said quantity, transactions relating to 58,600 MTs of iron ore were found to have been investigated and were covered by other cases registered by law enforcing agencies against others, details of which were mentioned. Accordingly, the final chargesheet submitted by the CBI was in respect of 39,480 MT only. The details of the said exports are mentioned in the chargesheet.

In view of the aforesaid discussion, we are of the view that the impugned judgment of the High Court quashing the chargesheet and the investigation by the CBI, on account of violation of clause (a) in the RoP dated 16.09.2013, is unsustainable and contrary to the facts on record.

The impugned judgments/orders are set aside and the appeals are allowed in the aforesaid terms.

We are informed on behalf of M/s. MSPL Limited that a number of other grounds and issues were also raised in the criminal petition. Reference is specifically made to paragraph 11 of the impugned judgment dated 20.12.2023 passed in Criminal Petition No. 101257/2022. The effect of the present order would be that Criminal Petition No. 101257/2022 filed by M/s. MSPL Limited will stand restored to its original number and all other issues and contentions will be examined except the issue and contention that the investigation made by the CBI was contrary to clause (a) in the RoP dated 16.09.2013.

To cut short the delay, parties are permitted to appear before the High Court on 03.02.2025, when the next date of hearing will be fixed.

We clarify that we have not expressed any opinion on the merits of other issues arising in the case.

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

.....CJI.
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

NEW DELHI;
DECEMBER 16, 2024.

ITEM NO.25

COURT NO.1

SECTION II-C

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

Petition for Special Leave to Appeal (Crl.) No. 5653/2024

[Arising out of impugned final judgment and order dated 20-12-2023 in CRLP No. 100904/2022 passed by the High Court of Karnataka Circuit Bench at Dharwad]

CENTRAL BUREAU OF INVESTIGATION

Petitioner(s)

VERSUS

NARENDRAKUMAR BALDOTA & ORS.

Respondent(s)

WITH

SLP(Crl) No. 5297/2024 (II-C)
(FOR ADMISSION and I.R.)

SLP(Crl) No. 5268/2024 (II-C)

SLP(Crl) No. 5650/2024 (II-C)
(FOR ADMISSION)

SLP(Crl) No. 5408/2024 (II-C)
(FOR ADMISSION and I.R.)

SLP(Crl) No. 5031/2024 (II-C)
(FOR ADMISSION and I.R.)

SLP(Crl) Nos. 5777-5781/2024 (II-C)
(FOR ADMISSION and I.R.)

SLP(Crl) No. 4703/2024 (II-C)
(FOR ADMISSION and I.R.)

SLP(Crl) No. 4925/2024 (II-C)
(FOR ADMISSION)

SLP(Crl) No. 4889/2024 (II-C)

SLP(Crl) No. 4841/2024 (II-C)
(FOR ADMISSION and I.R.)

Date : 16-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s)

Mr. Suryaprakash V. Raju, A.S.G. (N/P)
Mr. Satya Darshi Sanjay, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Samrat Goswami, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. Zoheb Hossain, Adv.
Mrs. Seema Bengani, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Anmol Chandan, Adv.
Mr. Raman Yadav, Adv.

For Respondent(s)

Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. C.A. Sundram, Sr. Adv.
Mr. Rishi Agrawala, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Anshuman Srivastava, Adv.
Mr. Harshwardhan Ranawat, Adv.
Ms. Harshwardhan Ranawat, Adv.
Mr. Harshvardhan Singh Ranawat, Adv.
Mr. Abhinabh Garg, Adv.
Mr. Aryan Rachh, Adv.
Mr. E.C. Agrawala, AOR

Mr. Arjun D. Singh, Adv.
Mr. Gaichangpou Gangmei, Adv.
M/s. AG Veritas Law, AOR

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

Leave granted.

**The impugned judgments/orders are set aside and the appeals
are allowed in the aforesaid terms.**

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

**(DEEPAK GUGLANI)
AR-CUM-PS**

**(R.S. NARAYANAN)
ASSISTANT REGISTRAR**

(signed order is placed on the file)