



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. _____ OF 2023
(arising out of SLP (CrI.) Nos. 11644-11645 of 2023)

BENOY BABU APPELLANT(S)

VERSUS

DIRECTORATE OF ENFORCEMENT RESPONDENT(S)

O R D E R

Leave granted.

Learned Senior Advocate appearing on behalf of the appellant - Benoy Babu has drawn our attention to the observations made in the judgment of this Court in the case of *"Manish Sisodia vs. Central Bureau of Investigation"*¹ decided on 30.10.2023.

Our attention has also been drawn to the assertions made by the Central Bureau of Investigation² and the Directorate of Enforcement³, specifically with regard to the present appellant - Benoy Babu, who is the Regional Manager of one of the liqueur manufactures. It is stated that the appellant - Benoy Babu was only an employee in the said company. He is not an accused in the charge sheet filed by the CBI. The appellant - Benoy Babu is the prosecution witness in this case. No money has been paid by him or

1 (2023) SCC OnLine SC1393

2 For short "CBI"

3 For short "ED"

to him.

The appellant - Benoy Babu has already suffered incarceration for about thirteen months, and the trial has not commenced, in the sense, that charges have not yet been framed.

Having regard to the aforesaid facts and circumstances, including the period of incarceration already suffered by the appellant - Benoy Babu, we accept the present appeals and direct that the appellant - Benoy Babu will be released on bail in Complaint Case No. 31 of 2022, pending before the learned ASJ/Special Judge (PC Act) (CBI-09), Rouse Avenue District Courts, New Delhi in ECIR/HIU-II/14/2022.

The impugned judgment/order is set aside and the appeals are allowed in the aforesaid terms.

We clarify that observations made in this order are for the purpose of disposal of the present appeal, and would not be construed as findings and observations on the merits of the case.

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

.....J.
(SANJIV KHANNA)

.....J.
(S.V.N. BHATTI)

NEW DELHI;
DECEMBER 08, 2023.

ITEM NO.11

COURT NO.3

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(s) for Special Leave to Appeal (CrI.) No(s). 11644-11645/2023

(Arising out of impugned final judgment and order dated 03-07-2023 in BA No. 562/2023 03-07-2023 in CRMB No. 269/2023 passed by the High Court of Delhi at New Delhi)

BENOY BABU

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT

Respondent(s)

(IA No. 187037/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 187036/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 08-12-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Harish Salve, Sr. Adv.
Mr. Vikas Pahwa, Sr. Adv.
Mr. Diljeet Titus, Adv.
Mr. Ninad Laud, Adv.
Mr. Raj Kamal, AOR
Mr. Hari Pillai, Adv.
Mr. Karan Khanuja, Adv.
Mr. Zubin Dash, Adv.
Mr. Kartavya Batra, Adv.
Mr. Aseem Atwal, Adv.

For Respondent(s) Mr. S. V. Raju, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Ms. Sairica Raju, Adv.
Mr. Zoheb Hussain, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Arkaj Kumar, Adv.

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

Leave granted.

We accept the present appeals and direct that the appellant - Benoy Babu will be released on bail in Complaint Case No. 31 of 2022, pending before the learned ASJ/Special Judge (PC Act) (CBI-09), Rouse Avenue District Courts, New Delhi in ECIR/HIU-II/14/2022.

The appeals are allowed in terms of the signed order.

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

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)