

ITEM NO.11

COURT NO.6

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

CRIMINAL APPEAL Diary No(s). 4286/2022

R SUBRAMANIAN

Petitioner(s)

VERSUS

M/S HASHAM INVESTMENT AND TRADING COMPANY
PVT LTD & ORS.

Respondent(s)

(IA No. 27256/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 27254/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No. 27253/2022 - EXEMPTION FROM SURRENDERING WITHIN
TIME, IA No. 27257/2022 - GRANT OF INTERIM RELIEF
IA No. 27255/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

WITH

Diary No(s). 4289/2022 (II-C)

(IA No. 27250/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 27247/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No. 27246/2022 - EXEMPTION FROM SURRENDERING WITHIN
TIME, IA No. 27251/2022 - GRANT OF INTERIM RELIEF)

Date : 15-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. R. Subramanian, In-person

Mr. Vipin Kumar Jai, AOR

For Respondent(s) Mr. S. Ganesh, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Hijmanshu Satija, Adv.
Mr. karan Luthra, Adv.
Ms. Aarushi Tiku, Adv.
Mr. E.C. Agrawala, AOR

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

Applications for permission to appear and

argue in person are allowed.

Applications for exemption from filing affidavit, exemption from filing c/c of the impugned judgment are allowed.

We have not the slightest of doubt on the merits of the judgment rendered by the impugned order which is correct on fact and law. However, the appellant in Criminal Appeal D.No. 4286/2022, has successfully endeavoured to persuade us that he wants to follow a different path and that aspect, we have taken note of in Criminal Appeal Nos. 1177-1179/2021 and connected matters. In terms of the said order, we had observed that we were inclined to look into the issue of sentence. The settlement terms as proposed by the respondents in para 5 extracted in that order suggested suspension of sentence for a period of 3 years during which his conduct can be monitored and for him to tender an unconditional apology to the Karnataka High Court in respect of charges of the said case.

The appellant states that he will file an unconditional apology before the High Court within two weeks.

We thus, direct as under:

a) the conviction in terms of the impugned order is

upheld;

b) the apology as aforesaid be filed;

c) the sentence will remain suspended to monitor and see how the appellant conducts himself and if any infraction is found, it is open to the respondents to bring it to the notice of this Court;

d) in the absence of any infraction, a final call will be taken in this matter in the last working week of December, 2023 before the Winter recess;

e) the aspect of costs imposed on the appellant in different proceedings will also be dealt with in the present proceedings as already observed in Criminal Appeal Nos. 1177-1179/2021 and connected matters.

f) In terms of the suggestion in para 6 made by the respondents in Criminal Appeal Nos. 1177-1179/2021 and connected matters, the appellant to furnish to the respondents an annual statement of his gross assets and networth on or before 15th April of this year and similarly for the years 2023, 2024 and 2025.

g) We are conscious that the order of conviction has been upheld but since we have suspended the sentence on the assurance of good behaviour, the conviction will not come in the way of the appellant to carry on his professional practice as a lawyer in which he is now engaged.

Our order will equally apply to the other appellant (Criminal Appeal D.NO. 4289/2022) and he is bound by the same terms.

List in the last miscellaneous week prior to the Winter recess in the 2023.

Applications for exemption from surrendering are disposed of in terms of order passed above.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)