

**IN THE SUPREME COURT OF INDIA
(CRIMINAL ORIGINAL JURISDICTION)**

IA No. _____ of 2020

IN

TRANSFER PETITION (CRIMINAL) NO. OF 2020

IN THE MATTER OF:

Prashant Bhushan

....Petitioner

V/s

Mr. Bhavya Narwal, Director

M/s Indiabulls Venture Capital Management Co.Respondent

APPLICATION FOR STAY

To,

**THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION
JUDGES OF THE HON'BLE SUPREME COURT OF INDIA**

The Humble Petition of the
Petitioner above-named

MOST RESPECTFULLY SHOWETH: -

1. The petitioner has filed the instant transfer petition under Section 406 of Code of Criminal Procedure, 1908 read with Order XXXIX of the Supreme Court Rules, 2013 seeking transfer of criminal case of defamation Case Registration No. 142 of 2019 (Criminal Complaint No. 34 of 2019) titled *Bhavya Narwal, Director, M/s Indiabulls Venture Capital Management Company Ltd.* pending before the Court of Judicial Magistrate 1st Class, Rohtak, Haryana to Patiala House Courts, District New Delhi, Delhi. The Respondent herein has filed the said criminal case of defamation against the Petitioner herein under Section 499, 500

and 501 of the Indian Penal Code, 1860. The Petitioner herein is filing the instant application of stay seeking a stay on the proceedings before the Ld. Judicial Magistrate 1st Class, Rohtak in COMI No. 142/2019 in which vide order dated 29.11.2019 a bailable warrant dated 12.12.2019 has been issued against the applicant/petitioner herein.

2. The Respondent herein, who is one of the three directors of M/s Indiabulls Venture Capital Management Co. Ltd. (which is a subsidiary of M/s Indiabulls Housing Finance Ltd.), in the said complaint has alleged that the Petitioner herein has made defamatory statements regarding the functioning of Indiabulls group, its promoters, officials and directors, etc vide social media sites namely, Twitter, Instagram and Facebook. It is alleged that the Petitioner herein has caused substantial damage to the goodwill and reputation of Indiabulls group as well of its Promoters, directors and officials including the Respondent herein etc.
3. The Petitioner herein is a member-trustee and signing authority of Citizens' Whistle Blowers Forum, the organisation that has filed a writ petition [*Writ Petition (Civil) No. 9887 of 2019*] in public interest before the Hon'ble High Court of Delhi against Indiabulls Group and its promoters seeking CBI/SIT investigation into the illegalities that have been committed by it. The allegedly defamatory statements made by the Petitioner herein were in context of the improper and illegal conduct of the Indiabulls group of companies that is the subject matter of the said writ petition and are fully supported by large numbers of documentary evidences present in public domain.

4. It is submitted that the sole purpose of institution of the instant criminal defamation case is a desperate vindictive action of Indiabulls against the Petitioner herein in order to harass him. The past conduct of the Indiabulls makes it manifestly clear that whenever the illegalities being perpetrated by the Indiabulls are brought out in public domain, it habitually deploys aggressive legal tactics and claims that the research reports /complaints /petitions are motivated so as to dissuade proper scrutiny.
5. The Petitioner herein is an advocate who practices in Delhi, mostly before this Hon'ble Court and has number of his cases (mostly PILs) listed before this Hon'ble Court on a daily basis. Because of this, the Petitioner herein will face an obvious and undue difficulty in attending hearings in Haryana, before the court of Ld. Judicial Magistrate 1st Class, Rohtak. On the other hand, the complainant, Mr. Bhavya Narwal, is one of the three Directors of M/s Indiabulls Venture Capital Management Co. Ltd. The said company has its registered office in Delhi at .

Therefore, no inconvenience will be caused to the complainant if the aforesaid defamation case is transferred to any District court in Delhi subordinate to the Hon'ble High Court of Delhi.
6. The petitioner craves the liberty of this Hon'ble Court to refer to the arguments and annexures in the accompanying transfer petition and the same may be considered a part of the instant Application for Stay of Proceedings in COMI No. 142/2019 pending before the Ld. Judicial Magistrate 1st Class, Rohtak, Haryana.

7. That there is a prima facie case in favour of the Petitioner herein. The balance of convenience also lies in the favour of the Petitioner herein. Further, if the instant application is not allowed then irreparable injury will be caused to the Petitioner herein. Also, as M/s Indiabulls Venture Capital Management Co. Ltd., has its registered office in Delhi, no inconvenience will be caused to the Respondent herein. This, it is respectfully submitted by the Petitioner herein that pending the final disposal of the accompanying Transfer Petition, the proceedings in COMI No. 142/2019 pending before the Ld. Judicial Magistrate 1st Class, Rohtak, Haryana may be stayed by this Hon'ble Court.

PRAYER

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Stay the proceedings in Case Registration No. 142 of 2019 (Criminal Complaint No. 34 of 2019) titled *Bhavya Narwal, Director, M/s Indiabulls Venture Capital Management Company Ltd.* pending before the Court of Judicial Magistrate 1st Class, Rohtak, Haryana
- b) Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

FILED BY

KAMINI JAISWAL

ADVOCATE FOR THE PETITIONER/APPLICANT

FILED ON: 23.01.2020

Place: New Delhi