REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION No. 1278 of 2023
in
CRIMINAL APPEAL No. 1434 of 2023

M/S. JERMYN CAPITAL LLC DUBAI ...APPELLANT(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ORS. ...RESPONDENT(s)

O R D E R

IA No. 100413/2023 in M.A. No. 1278/2023

By way of this application, the appellant seeks modification of the order dated 09.05.2023 passed by this Court allowing the appeal. Thereby, the condition imposed upon the appellant by the Courts below to furnish a bank guarantee for release of the sum of ₹38.52 crore was set aside and the appellant was permitted to withdraw the said amount along with 4 percent simple interest payable from 08.05.2006 till the date of actual payment.

2. While so, the appellant produced copies of various orders passed earlier, be it by the Securities Appellate Tribunal or by this Court, directing the sale proceeds, which ultimately aggregated to ₹38.52 crore, to be placed in bank fixed deposits so as to garner a higher rate of interest. Reference in this regard may be made to the

order dated 08.05.2006 of the Securities Appellate Tribunal and the orders dated 05.12.2008, 14.05.2009 & 16.11.2009 passed by this Court.

3. In that view of the matter, the final order dated 09.05.2023 passed in Criminal Appeal No. 1434 of 2023 shall stand modified by substituting para 21 therein as under:

> "21. As a consequence, the appellant shall be permitted to unconditionally withdraw the aforesaid amount along with the fixed deposit interest amount that has accrued thereon."

4. IA No. 100413/2023 is allowed and, in consequence, M.A. No. 1278/2023 stands disposed of.

.....J.
(KRISHNA MURARI)

.....J.
(SANJAY KUMAR)

NEW DELHI
17th MAY, 2023

ITEM NO.40 COURT NO.11 SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 1278/2023 in Crl.A. No. 1434/2023

(Arising out of impugned final judgment and order dated 09-05-2023 in Crl.A. No. No. 1434/2023 passed by the Supreme Court Of India)

M/S. JERMYN CAPITAL LLC DUBAI Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ORS. Respondent(s)

(IA No. 100413/2023 - MODIFICATION OF COURT ORDER)

Date : 17-05-2023 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE KRISHNA MURARI
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s)
Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sunil Fernandes, AOR
Ms. Nupur Kumar, Adv.
Mr. Divyansh Tiwari, Adv.
Mr. M. Thangathurai, Adv.
Ms. Priyansha Sharma, Adv.
Ms. Diksha Dadu, Adv.

For Respondent(s)
Mr. K M Nataraj, A.S.G.
Mr. Rajesh Ranjan, Adv.
Mr. Mukul Singh, Adv.
Mr. Shailesh Madiyal, Adv.
Mr. Pratyush Shrivastav, Adv.
Mr. Arvind Kumar Sharma, AOR

Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.

M/S. K J John And Co, AOR

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

IA No. 100413/2023 is allowed and, in consequence, M.A.

No. 1278/2023 stands disposed of in terms of the reportable signed order.

(SONIA GULATI) **(BEENA JOLLY)**
SENIOR PERSONAL ASSISTANT **COURT MASTER (NSH)**

(Reportable Signed order is placed on the file)