

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. _____ OF 2025
(Arising out of SLP(Crl.) No.3736 of 2025)

SENIOR INTELLIGENCE OFFICER

APPELLANT

VERSUS

RITU NITIN MINOCHA AND ANOTHER

RESPONDENTS

R1 : RITU NITIN MINOCHA

R2 : MISS MAHEK MINOCHA

O R D E R

Heard Mr. N. Venkataraman, Additional Solicitor General for the appellant and Mr. Huzefa Ahmadi, learned senior counsel for the respondents.

2. Leave granted.

3. The present appeal arises out of an impugned interim order passed by the Karnataka High Court by which respondent no.1 has been granted interim bail by the High Court.

4. At the outset, learned Additional Solicitor General points out that without going into the merits, the manner in which the impugned order has been passed raises serious question of propriety. It was submitted that respondent no.1 appeared before the Special Economic Offences Court/Trial Court on 21.01.2025 and on 23.01.2025, the appellant filed objection and arguments were made but no order was passed.

However, surprisingly, on 24.01.2025, respondent no.1 filed a Writ Petition before the High Court at 12:52 p.m. under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 seeking release of respondent no.1 both as main prayer and interim prayer amongst other prayers. The Writ Petition was listed on 25.01.2025 at the top of the list. Surprisingly, according to him, the fact that the Trial Court was seized of the matter, was not disclosed. On 25.01.2025, the High Court kept the matter for hearing at 04:30 p.m. and it was mentioned that the Trial Court had rejected the prayer upon which on the same day at about 04:45-05:00 p.m., the impugned interim order was passed by the High Court. It was submitted that the tearing hurry shown by the High Court in the matter was totally unwarranted which itself is a ground for interference. It was submitted that the main prayer was for bail without disclosing that already the matter was pending before the Trial Court and when it was mentioned that the Trial Court had rejected the application, on the same day late in the evening, the interim order being passed and that too by way of an interim measure, with a direction to release respondent no.1 on bail, needs interference.

5. Learned senior counsel for the respondents submitted that respondent no.1 is a lady and further more, the Central Goods

and Services Tax Act, 2017 (for short, the "Act") itself envisages that the offences would be non-cognizable if the amount of evasion is below Rupees Five Crores and in the present case, the amount is much below the said figure if it is restricted to the companies in which respondent no.1 was involved but because the husband was also running various other companies, the dues against those companies together have been taken to raise the figure beyond the Rupees Five Crores threshold.

6. By way of reply, learned Additional Solicitor General submits that the Act envisages that whoever commits an offence under the said Act is liable and together the husband and the wife, according to the prosecution, defrauded the State Exchequer of more than Rupees Six Hundred and Sixty Crores.

7. Be that as it may, without going into the merits of the matter, we are in agreement with the submission of learned Additional Solicitor General that the manner and the time-frame in which things have moved especially, at the level of the High Court, needs interference.

8. Accordingly, without commenting too much on this, we set aside the said impugned interim order passed by the High Court and direct respondent no.1 to surrender before the Trial court within a period of one week from today. Thereafter, the matter which is pending before the High Court in which the impugned

interim order has been passed would be assigned to any other appropriate Bench as per the direction of the learned Chief Justice of the High Court, to be decided in accordance with law after giving opportunity to both the sides to argue the matter. All the issues of law and fact are left open to be canvassed by the parties while working out their remedies and the Court would not be prejudiced by the present order.

9. The appeal stands allowed in the aforementioned terms.

10. However, it is made clear that within the said period of one week, the High Court shall not proceed to finally decide the matter and only upon respondent no.1 surrendering, liberty is given to mention the matter before the High Court for listing and hearing of the pending case.

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

12. Registry to communicate the order to the Registrar General, Karnataka High Court forthwith.

.....J.
[AHSANUDDIN AMANULLAH]

.....J.
[S.V.N. BHATTI]

NEW DELHI
15th JULY, 2025

ITEM NO.31

COURT NO.15

SECTION II-E

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

Petition(s) for Special Leave to Appeal (Crl.) No(s).3736/2025

[Arising out of impugned final judgment and order dated 25-01-2025 in WP No.1966/2025 passed by the High Court of Karnataka at Bengaluru]

SENIOR INTELLIGENCE OFFICER

Petitioner(s)

VERSUS

RITU NITIN MINOCHA & ANR.

Respondent(s)

(FOR ADMISSION)

Date : 15-07-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. N. Venkataraman, A.S.G.
Mr. Rupesh Kumar, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Merusagar Samantray, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Piyush Beriwal, Adv.
Mr. Madhu N. Rao, Adv.

For Respondent(s) Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Ameet Naik, Adv.
Ms. Madhu Chaudhary, Adv.
Mr. Harshvardhan Jha, Adv.
Mrs. Yugandhara Pawar Jha, AOR
Mr. Aman Pathak, Adv.
Mr. Sumeet Mishra, Adv.
Mr. Shashvat Aggarwal, Adv.

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

Leave granted.

2. The appeal stands allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(SAPNA BISHT)

COURT MASTER (SH)

(ANJALI PANWAR)

COURT MASTER (NSH)

(Signed order is placed on the file)