

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

I.A. NO.16/2016, I.A. NO.15/2016, I.A. NO.14/2016 IN
PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 20370/2012

(Arising out of impugned final judgment and order dated 29/05/2012
in WPC No. 4542/2012 passed by the High Court of Kerala at
Ernakulam)

MASSIMILANO LATORRE AND ORS.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(Appln(s) for bail and exemption from filing O.T. and modification
and office report)

WITH

I.A. NOS.1 & 2/2014 IN W.P.(C) No. 236/2014

(With prayer for interim relief and permission to urge addl.
grounds and Office Report)

I.A. NO.1/2014 IN W.P.(C) No. 919/2014

(With appln.(s) for permission to place addl. documents on record
and Office Report)

Date : 28/09/2016 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Suhail Dutt, Sr. Adv.
 Mr. Diljeet Titus, Adv.
 Mr. Baljit Singh Kalha, Adv.
 Mr. Jagjit Singh Chhabra, AOR
 Mr. Ninad Laud, Adv.
 Mr. Ujjwal Sharma, Adv.
 Mr. Akshat Bhatnagar, Adv.
 Mr. Jatin Arora, Adv.
 Mr. Saksham Maheshwari, Adv.
 Mr. Karan Mathur, Adv.

 Mr. Rana Mukherjee, Sr. Adv.
 Mr. Harshad V. Hameed, AOR
 Mr. Dileep Poolakkot, Adv.

Mrs. Ashly Marshad, Adv.

For Respondent(s) Mr. P.S. Narsimha, ASG
Mr. S.A. Haseeb, Adv.
Mr. Sridhar Potaraju, Adv.
Mr. B. Krishna Prasad, AOR
Ms. Sushma Suri, AOR

Mr. K.N. Balgopal, Sr. Adv.
Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.
Mr. Manu Srinath, Adv.

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

Heard the learned counsel and considered the contents of the affidavit filed on behalf of the Union of India.

In view of the contents of the affidavit, the applicant in I.A. No.15 is permitted to remain in Italy during the pendency of Annex VII arbitration, subject to the following conditions:-

- a) Sergeant Latorre shall within one week file an undertaking on affidavit in these proceedings, duly affirmed and deposed by him, accepting and recognizing that he remains and shall even during his stay in Italy continue to remain under the authority of the Supreme Court of India;
- b) Sergeant Latorre shall surrender his passport to the Italian Authorities within one week. Sergeant Latorre shall be prohibited from leaving Italy unless this Court grants him leave to do so, following a petition duly submitted to this Court to that effect;
- c) Sergeant Latorre shall report to an identified Police Station in Italy on the first Wednesday of every month. The identity and details

of the Police Station shall be notified to the Head of Chancery in the Embassy of India in Rome within one week. The said identified Police Station shall inform the Head of Chancery in the Embassy of India in Rome, in writing, after each such reporting;

d) Italy shall submit, via a Note Verbale from the Embassy of Italy to the Ministry of External Affairs, Government of India every three months, on the first business day of the month in question starting on 1st December, 2016, a report on the situation of Sergeant Latorre for purposes of apprising this Court. The Union of India will take such steps as are necessary and appropriate to submit this report to this Court;

e) Sergeant Latorre shall not directly or indirectly contact, influence or tutor any witness in the case, including those based in Italy, nor would he attempt to destroy the evidence in any manner;

f) In the event of breach of any of the conditions either cumulatively or independently, the bail granted shall stand cancelled; and

g) The Ambassador of Italy shall by 30.09.2016 file an undertaking on affidavit in these proceedings stating that Sergeant Latorre shall be made to return to India within a period of one month of the decision or direction of the Arbitral Tribunal requiring him to do so or as directed by the orders of this Court.

It is further directed that the Union of India shall submit a Report to this Court after every three months as to the progress made in the matter before the Arbitral Tribunal and the same shall be placed before the concerned Court.

I.A. No.15 in SLP(C) No.20370/2012 stands disposed of.

In view of the above, all the other interlocutory applications are disposed of.

(NARENDRA PRASAD)
COURT MASTER

(SNEH BALA MEHRA)
ASSISTANT REGISTRAR