

ITEM NO.3

COURT NO.4

SECTION XIV-A

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

CONMT.PET.(C) No. 853-855/2015 in C.A. Nos. 3276-3278/2013

THE BORDEURI SAMAJ OF SRI SRI MAA KAMAKHYA

Petitioner(s)

VERSUS

RIJU PRASAD SARMA & ORS.

Respondent(s)

(With IA No. 1/2016 - PERMISSION TO FILE ANNEXURES)

WITH

Diary No(s). 23917/2017 (XIV)

(With IA No. 92551/2017 - CONDONATION OF DELAY IN FILING, IA No. 92554/2017 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 31-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Parties

Mr. Rajiv Dhavan, Sr. Adv.
Mr. Manish Goswami, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. Ritin Rai, Sr. Adv.
Mr. Manoj C. Mishra, AOR

Mr. Jaideep Gupta, Sr. Adv.
Mr. Avijit Roy, AOR

Mr. Tushar Mehta, SG.
Mr. Shuvodeep Roy, AOR
Mr. Rajat Nair, Adv.

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

We have perused the report of the Additional Director
General of Police, CID, Assam dated 08.01.2020. The report
reveals that a sum of Rs.7,62,03,498/- has been withdrawn in

cash by the Kamakhya Debuttor Board from 2 accounts, one in UCO Bank and one in United Bank of India. These withdrawals have taken place since 21.11.2011 in violation of the Supreme Court's order without taking approval from the Deputy Commissioner, being cleverly split into amounts of Rs.50,000/- so as to give an impression as if the order is complied with. These facts, *prima facie*, establish misappropriation of funds by the Board. As per the report, the office bearers did not cooperate with the enquiry officer and concealed vital information including existence of bank accounts in their names. It is then stated that "a proper investigation based on lodging of criminal case would facilitate discovery of financial trail, exact extent of misappropriation, identity of co-conspirators, retrieval of relevant documents, etc."

It would be in the fitness of things if the lodging of a criminal case be done immediately and a proper investigation is conducted within a period of three months from today. A report be given to this Court on or before 14th May, 2020.

List the matter thereafter.

Copies of this report be given to all the parties.

(NIDHI AHUJA)
COURT MASTER (SH)

(NISHA TRIPATHI)
BRANCH OFFICER