

**IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION**

**REVIEW PETITION (CRL.) NO.250 OF 2022  
IN  
CRIMINAL APPEAL NO.1167 OF 2022**

**SECURITIES AND EXCHANGE  
BOARD OF INDIA**

**PETITIONER**

**VERSUS**

**RELIANCE INDUSTRIES LIMITED & ORS.**

**RESPONDENTS**

**ORDER**

The instant Review Petition has been filed on six grounds, the principal grounds being: -

- i) No SLP lies against an order of a High Court merely fixing the next date of hearing.
- ii) Introducing Principles of Natural Justice contrary to the provisions of the Code of Criminal Procedure, 1973;
- iii) Claim of privilege under Sections 126 and 129 of the Evidence Act, 1872; and
- iv) Applicability of Administrative Law principles to Criminal Prosecution.

The judgment of which Review is sought, noted the preliminary submissions advanced on behalf of SEBI in paragraph 24. Instead of remanding

the matter for adjudication on the application moved by the Respondent seeking disclosure as claimed, this Court examined the issue itself to ensure “that the adjudication is not delayed unnecessarily, *ad infinitum*”. In the process, the Review Petitioner was denied an opportunity of having the matter decided at the stage of High Court and thereafter to challenge the decision before this Court, if the necessity was to arise.

Let notice be issued in the Review Petition returnable on 23.11.2022.

.....CJI.  
(UDAY UMESH LALIT)

**New Delhi;  
October 19, 2022.**

IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION

**REVIEW PETITION (CRL.) NO. 250 OF 2022**  
**IN**  
**CRIMINAL APPEAL NO. 1167 of 2022**

**SECURITIES & EXCHANGE BOARD OF INDIA** ..... **Petitioner**

**Versus**

**RELIANCE INDUSTRIES LIMITED & ORS.** ..... **Respondents**

**ORDER**

1. We have perused the order dated 19.10.2022, circulated by Hon'ble the Chief Justice of India, issuing notice in the present Review Petition (Crl.) No.250 of 2022, in Criminal Appeal No.1167 of 2022, returnable on 23.11.2022.

2. The present Review Petition was listed for the first time in chambers on 29.09.2022. However, without prior consultation, the following order was uploaded by the Registry, as an order of the Bench:

*“Considering the facts and circumstances on record and the submissions advanced in the review petition, we deem it appropriate to allow application for listing of the instant petition in open Court.”*

*Let this review petition be listed in Court on 12.10.2022.”*

3. On being informed of the aforesaid order, we had expressed our inability to agree for an open Court hearing in the present matter and by two separate orders, both passed

on 30.09.2022, the said application for open Court hearing was dismissed with the observation that no plausible grounds existed to entertain the Review Petition or to review the judgment dated 05.08.2022. For the sake of convenience, the order dated 30.09.2022 passed by one of us (J.K. Maheshwari, J.) is extracted below:

*“With utmost respect and regard, I express my inability to agree with the order dated 29.09.2022 to list the Review Petition for open court hearing on 12.10.2022.*

*After careful perusal of the averments made in the Review Petition, in my opinion, no plausible ground to entertain the petition, or to review the judgment dated 05.08.2022 is made out. The grounds urged do not fall within the limited parameters of review jurisdiction. Hence, I.A. No.128784/2022 for listing the Review Petition in open court deserves to be dismissed.”*

4. Contemporaneously, the order dated 30<sup>th</sup> September, 2022 was passed by one of us (Hima Kohli, J.) which is quoted below:

*“With respectful regards, I regret my inability to concur with the order dated 29.9.2022 for listing the Review Petition for open court hearing on 12.10.2022.*

*Having carefully examined the contents of the Review Petition, there is no valid reason to review the judgment dated 5.8.2022, as in my view, the grounds taken in the Review Petition do not fall within the restricted scope of review jurisdiction. Hence, I.A. No. 128784/2022 – for listing the Review Petition in open court ought not to be entertained.”*

5. On 12.10.2022, when the present Review Petition was listed, the following order was passed by circulation:

*“On 29.09.2022, this Court had directed listing of the review petition in open Court. However, on minute perusal of the contents of the application seeking open Court hearing, we do not deem it appropriate to list the Review Petition in open Court and we are of the view that the same should be listed by*

*way of circulation.*

*In these circumstances, the Order dated 29.09.2022 directing listing of the Review Petition in open Court is recalled and the Registry is directed to list the Review Petition by normal mode i.e., through circulation on 19.10.2022.*

*I.A. No.128784 of 2022 is, therefore, rejected.”*

5. It is clear from the above order dated 12.10.2022, that the Bench was *ad idem* in dismissing the application for hearing in open Court and instead, had listed the review petition by circulation on 19.10.2022. Now, Hon'ble the Chief Justice of India has circulated his order dated 19.10.2022, issuing notice on the Review Petition, returnable on 23.11.2022. With due respect, we are unable to agree with the same, having already expressed our view in our separate orders dated 30.09.2022 that no grounds are made out by the Review Petitioner meriting issuance of notice or for reviewing the judgment dated 05.08.2022, passed by this Court while disposing of Criminal Appeal No.1167 of 2022.

6. Accordingly, Review Petition (Crl.) No.250 of 2022 in Criminal Appeal No. 1167 of 2022 is hereby dismissed.

.....J.  
[J.K. Maheshwari]

.....J.  
[Hima Kohli]

**New Delhi;  
October 19, 2022**

ITEM NO.1004

SECTION II-A

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

R.P.(Cr1.) No. 250/2022 in Cr1.A. No. 1167/2022

SECURITIES AND EXCHANGE BOARD OF INDIA

Petitioner(s)

VERSUS

RELIANCE INDUSTRIES LIMITED &amp; ORS.

Respondent(s)

(FOR ADMISSION )

Date : 19-10-2022 This petition was circulated today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MS. JUSTICE HIMA KOHLI

By Circulation

UPON perusing papers the Court made the following  
O R D E R

Hon'ble the Chief Justice of India (Hon'ble Mr. Justice Uday Umesh Lalit) by order dated 19.10.2022 directed that notice be issued in the review petition

Hon'ble Mr. Justice J.K. Maheshwari and Ms. Justice Hima Kohli by order dated 19.10.2022 dismissed the Review Petition.

In view of the majority opinion, the Review Petition stands dismissed in terms of the signed orders.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(POONAM VAID)  
COURT MASTER (NSH)

(signed orders are placed on the file)