



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____ OF 2026
(@SLP(CRL.) NO.11999 OF 2026)**

GHANSHYAM TIWARI

.....

APPELLANT(S)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

.....

RESPONDENT(S)

O R D E R

1. Heard.

2. Leave granted.

3. The present appeal is directed against the order dated 20.11.2025 passed by the High Court of judicature for Rajasthan at Jaipur Bench, whereunder the prayer of the appellant for quashing of the criminal proceedings pending against him has been dismissed.

4. Facts in brief which has led to the filing of this appeal can be crystallized as under:

The case of the prosecution is to the effect that appellant as Director of M/s. Himanshu Garments Private Limited and he had entered into a criminal conspiracy with UCO Bank officials and approved valuers

and submitted over-valued collateral properties (including heritage properties and properties in Delhi) and had forged foreign purchase orders for securing packing credit limits and post shipment credit limits far exceeding the permissible limits. It is also alleged by the prosecution that appellant created a sister concern by name M/s. Meenakshi Garments Private Limited using his brother as a front to extract additional loans and these actions of the appellant caused a wrongful loss to over 4.27 crores to UCO Bank. The Respondent-CBI filed a chargesheet against appellant and seven other accused.

On account of the appellant's prolonged absence, appellant's bail bond was canceled by order dated 23.08.2014 by the learned Special Judge and appellant was declared a proclaimed offender/absconder vide order dated 05.01.2015. After full fledged trial against the other accused and after splitting up the chargesheet against the appellant herein, the jurisdictional court examined the claim of the prosecution and arrived at a conclusion that prosecution had failed to prove conspiracy, forgery and criminal misconduct beyond reasonable doubt by judgment dated 31.08.2018 and thereby acquitted them.

5. Being aggrieved by the same the respondent-CBI is said to have filed an appeal before the High Court in S B Criminal Leave to Appeal No235/2019 and it is said to be pending.

6. In the light of the trial court acquitting the other accused, the appellant suddenly woke up from his slumber and invoked the extra-ordinary jurisdiction of the High Court under Section 482 CrPC for quashing of the proceedings against him on the ground of continuation of trial against him would be an abuse of process of law and the prosecution evidence against

the appellant, as pitted against other accused persons, is inseparable. It was also contended that in view of all other accused having been acquitted, continuation of prosecution against the appellant herein was not warranted. It was further contended that absence of the appellant before was not intentional but due to medical issues resulting from an accident that occurred in United States of America (USA) and purported communication gap with his trial court advocate.

7. Evidentiary value pitted against the accused who has been acquitted vis-a-vis the evidence against appellant relied upon would be an issue which will have to be examined only after full fledged trial. At this stage, this Court would not be in a position to evaluate the same and neither the High Court under exercise of jurisdiction under Section 482 CrPC could undertake such an exercise. As to how the evidence that has been relied upon by the prosecution against those of the accused who have been acquitted would be inseparable, is an issue which will have to be examined only after evidence that is being relied upon against the appellant, is tendered by the prosecution before the jurisdictional trial court. Here is a person, namely, appellant, who has been absconding for 17 long years and only after other accused persons were acquitted, seems to have gained knowledge of the same and invoked the extra-ordinary jurisdiction of the High Court for quashing the proceedings pending against him. The High Court has rightly refused to quash the proceedings and we do not find any infirmity in the findings recorded by the High Court in that regard.

8. Be that as it may. On account of there being a warrant of arrest issued against the appellant, apprehending his arrest, the appellant had not appeared before the jurisdictional trial court, or in other words, he did not

intent to arrive in this country to face the trial initiated against him. Hence, to secure his presence and to ensure that the trial progresses expeditiously and to allay the apprehension of the appellant that he would not be arrested, this Court by order dated 03.07.2026 had stayed the arrest warrant issued against the appellant. Yet the jurisdictional Court seems to have proceeded on a technical ground to take the appellant into custody and the learned ASG appearing for the respondent-CBI would submit that the warrant has not been executed and it is only the jurisdictional Court which has proceeded to take the appellant into custody for proceeding with the trial. We do not propose to enter into any issue on this aspect. The fact remains that despite the arrest warrant stayed by this Court, or in other words, the order was to the effect that no coercive steps shall be taken against the appellant, yet he was taken into custody, which cannot be accepted.

9. Hence, appellant is ordered to be released on bail on such terms and conditions as the jurisdictional court may deem fit to impose including the condition of surrendering the passport during the trial and also on the condition that he shall not leave the jurisdiction of the Court without express permission from the said Court and shall appear before the trial court on all dates of hearing without fail, except when specifically exempted.

10. With these observations, the prayer for quashing of the proceedings is rejected and is granted interim bail during the pendency of the trial as observed hereinabove. Accordingly, the appeal stands allowed in part.

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

.....J.
(ARAVIND KUMAR)

.....J.
(VIPUL M. PANCHOLI)

New Delhi;
August 06, 2026.

ITEM NO.27

COURT NO.12

SECTION II-D

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. 11999/2026

[Arising out of impugned final judgment and order dated 20-11-2025 in SBCRMP No. 6678/2025 passed by the High Court of Judicature for Rajasthan at Jaipur]

GHANSHYAM TIWARI

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

Respondent(s)

Date : 06-08-2026 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) :Mr. Vaibhav Pancholy, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Krishan Chander Sharma, Adv.
Mr. Ashok Kumar Sharma, Adv.
Mr. Kunal Sharma, Adv.
Mr. Gajendra Singh Naruka, Adv.
Mr. Raj Singh Rana, AOR
Ms. Kanika, Adv.

For Respondent(s) :Mr. Davinder Pal Singh, A.S.G.
Mr. Shreekant Neelappa Terdal, AOR
Mr. Yashraj Singh Bundela, Adv.
Mr. Aman Jha, Adv.
Ms. Seema Bengani, Adv.
Mr. Animesh Upadhyay, Adv.

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

Leave granted.

The appeal is allowed in part in terms of the Singed
Order which is placed on the file.

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

(RASHI GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)