

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 873 OF 2007

STATE OF KARNATAKA TH.C.B.I

Appellant (s)

VERSUS

CHANDRABHUSHANA RAO

Respondent(s)

(With office report)

Date: 18/02/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s)

Mr. H.P. Raval, ASG
Mr. Harish Chander, Sr. Adv.
Mr. P.K.Dey, Adv.
Mr. H. Chandra, Adv.
Mr. A.K.Sharma, Adv.
Mr. B. Krishna Prasad, Adv.

For Respondent(s)

Mr. N. Ganpathy, Adv.
Mr. N.D.B. Raju, Adv.
Ms. Bharathi Raju, Adv.
Mr. Ajay K. Dutta, Adv.

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

The Appeal is allowed.

(Madhu Bala-II)
SR. P.A.

(R.K.Sharma)
COURT MASTER

The signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 873 OF 2007

STATE OF KARNATAKA TH. C.B.I.

.. APPELLANT(S)

vs.

CHANDRABHUSHANA RAO

.. RESPONDENT(S)

O R D E R

The respondent herein was convicted by the Special
Judge of the C.B.I., Bangalore, by judgment dated 13th July,

2001 for offence under Section 7 and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988, and was sentenced to a term of imprisonment. The appeal thereafter filed in the Karnataka High Court has been allowed by a cryptic judgment and the conviction of the accused has been set aside and he has been acquitted.

The present appeal after the grant of special leave has been filed by the State of Karnataka. We have heard the learned counsel for the parties. We are of the opinion that the matter, at this stage, can be disposed of on the short ground that the High Court has not given reasons that had weighed in its decision. On the contrary, a perusal of the judgment reveals that it has not met the reasons given by the Trial Court for its decision. We, therefore, allow this appeal and set aside the order of the High Court.

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We, however, clarify that any observations made in this order will not be taken as a reflection or an expression of opinion on the matter either ways.

We further direct that the respondent herein will not be arrested in the present proceedings during the pendency of the appeal in the High Court.

.....J.
(HARJIT SINGH BEDI)

.....J.
(T.S. THAKUR)

New Delhi,
February 18, 2010.