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SLP(Crl.)No. 1352 OF 2001

ITEM No.205

Court No.10

SECTION II  
A/N MATTER

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. 1352/2001

(From the judgement and order dated 13/09/2000 in CRL A 1109/96  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

STATE OF KARNATAKA

Petitioner (s)

VERSUS

M. LINGAPPA

Respondent (s)

( With Appln(s). for urging addl. grounds )  
( For Final Disposal )

Date : 27/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s)

Mr. N. Ganpathy,Adv.

For Respondent (s)

Mr. A.S. Bhasme,Adv.  
Mr.Sanjay K. Visen,Adv.,  
Mr.Manoj K. Mishra,Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
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Leave granted.

The appeal is allowed, the impugned judgment and  
order is quashed and set aside. The matter is remitted back  
to the High Court for disposal in accordance with law.

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(Vijay Kumar Sharma)  
Court Master

(R.K. Kumar)  
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA  
CRL. APPELLATE JURISDICTION

CRL. APPEAL NO. 750 OF 2001@@  
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STATE OF KARNATAKA

Appellant

Versus

M. LINGAPPA

Respondent

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....J.....  
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Leave granted.

Heard the learned counsel for the parties.

In view of the judgment rendered by this Court in  
C.B.I. vs. V.K. Sehgal & Anr. 1999 (8) SCC 501@@  
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particularly paragraphs 17 and 18, the impugned order  
passed by the High Court cannot be sustained and has to  
be set aside. Hence the appeal is allowed, impugned  
judgment and order passed by the High Court is quashed  
and set aside and the matter is remitted back to the High  
Court for deciding the same on merits in accordance with  
law.

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.....J.  
( M.B. Shah)

.....J.  
( R.P.Sethi)

New Delhi,  
July 27, 2001