

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. 625 OF 2000

K. DEVASSIA

Appellant (s)

VERSUS

STATE OF KERALA

Respondent(s)

Date: 29/03/2006 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. Romy Chacko,Adv.

Mr. Rajiv Mehta,Adv.(Not Present)

For Respondent(s)

Mr. Roy Abraham,Adv.

Mr. Ramesh Babu M.R.,Adv.(Not Present)

UPON hearing counsel the Court made the following

O R D E R

The appeal is allowed. The appellant, who is on bail, is

discharged from the liability of bail bonds.

[Alka Dudeja]

Court Master

[Om Prakash]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 625 OF 2000

K. Devassia

...Appellant(s)

Versus

State of Kerala

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

In the present case, the sole appellant has challenged his

conviction and pointed out that the Secretary (Vigilance), who

accorded sanction, was not authorised to grant sanction. In this

connection, reliance has been placed upon the judgment of this

Court in the case of Mohandas Vs. State of Kerala, 2002 (2) KLT

251 (SC), in which it has been laid down that for the first time

Secretary (Vigilance) was authorised to accord sanction on

23.4.1994 and prior to that he was not competent to accord sanction. In the present case, the sanction is said to have been granted by the Secretary (Vigilance) prior to 23.4.1994, therefore, the impugned orders are fit to be set aside on this ground alone.

....2/-

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Accordingly, the appeal is allowed, impugned orders are set aside and the appellant is acquitted of the charges. The appellant, who is on bail, is discharged from the liability of bail bonds.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

New Delhi,

March 29, 2006.