

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

Petition(s) for Special Leave to Appeal (Crl.) No. 1169/2000

(From the judgement and order dated 05/01/2000 in Crl.Misc.
No. 30329/1999 of The HIGH COURT OF PATNA)

STATE OF BIHAR

Petitioner (s)

VERSUS

PURUSHOTTAM SINGH

Respondent (s)

(With Appln(s). for stay)
With

SLP(Crl.)No. 1250/2000 ,SLP(Crl.)No. 1301/2000 ,SLP(Crl.)No. 2400/2000

Date : 17/11/2000 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr.P.P. Rao,Sr.Adv.,
Mr.Praveen Swarup,Adv.,
Mr.Pramod Swarup,Adv.

For Respondent (s)

Mr.Deba Prasad Mukherjee,Adv.,
Mr.Arup Banerjee,Adv.,
Miss.Nandini Mukherjee,Adv.

Mr.M.P.Jha,Adv.,
Mr.Anil K.Chopra,Adv.

UPON hearing counsel the Court made the following

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Leave granted.

The judgment under appeal is set aside. The
matters are remanded back to the High Court for fresh
consideration in accordance with law. The appeals are
disposed of accordingly.

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(Vijay Kumar Sharma)
Court Master

(S.Krishnan)
Court Master

Signed order is placed on the file.

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(Arising out of SLP (Cr1.) No.1169/2000)

STATE OF BIHAR ..Appellant

Versus

PURUSHOTTAM SINGH ..Respondent

WITH@@
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CRL.APPEAL NO.993/2000@@
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Arising out of SLP (Cr1) No.1250/2000)

STATE OF BIHAR ..Appellant

Versus

OM PRAKASH GUPTA ..Respondent

WITH@@
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CRL.APPEAL NO. 994/2000@@
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(Arising out of SLP (Cr1.)No.2400/2000)

BIHAR STATE ELECTRICITY BOARD ..Appellant

Versus

PURUSHOTTAM SINGH ..Respondent

AND@@
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CRL.APPEAL NO.995/2000@@
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(Arising out of SLP (Cr1.) No.1301/2000)

BIHAR STATE ELECTRICITY BOARD ..Appellant

Versus

OM PRAKASH GUPTA & ANR. ..Respondents

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.....L.....I.....T.....T.....T.....T.....J.....
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Leave granted.
Heard the learned counsel for the parties.
The respondents in these appeals approached the
High Court for quashing the criminal proceedings

including the order dated 5.1.1996 passed by the Special Judge, Vigilance, whereby he has directed to frame charges against the accused persons for offences punishable under Sections 420, 201 read with Section 120-B of the Indian Penal Code as well as under Section 13 (1) and 13 (2) of the Prevention of Corruption Act. Those petitions were allowed by the learned single Judge of the High Court solely on the ground that accused persons have been exonerated of the charges in the departmental proceedings and for the same cause of action accused cannot be prosecuted.

That order is under challenge before this Court. It has been pointed out on behalf of the State that voluminous material is collected by the investigating agency and the Electricity Board has not exonerated the concerned persons. Hence, there was no question of quashing the proceedings. In any case, the learned counsel submitted that without considering such record, the High Court ought not to have passed the impugned order.

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In our view, the submission of the learned counsel for the appellant requires to be accepted. The High Court ought to have gone through the material to find out whether prima facie, there was sufficient material to frame the charges. In this view of the matter, the impugned order passed by the High Court is set aside. The appeals are allowed. The petitions are restored on the file of the High Court and the matters are remanded back to the High Court. The High Court is requested to decide afresh the petitions in accordance with law. It would be open to the parties to raise all the contentions which they are entitled to raise. The appeals are disposed of accordingly.

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

.....J.
(S.N. Variava)

New Delhi,
November 17, 2000