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SLP(Cr1.)No. 1939 OF 2001
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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Cr1. Appeal No. of 2001@@
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(Arising out of SLP(Cr1) No. 1939 of 2001)

Gautam Talukdar, ICAS ...Appellant (s)

Versus

State of Meghalaya ...Respondent(s)

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Leave granted.

The appellant being involved in a criminal case, had approached the High Court invoking its jurisdiction under Section 438 of the Code of Criminal Procedure. The High Court did not think it proper to invoke its jurisdiction under Section 438 Cr.P.C. and rejected the same.

Having done so, the High Court went further by directing the Chief Judicial Magistrate where the criminal case is pending, to issue non-bailable warrants and further directing the appointing authority to place the appellant under suspension immediately.

The grievance of the appellant is that these two directions of the High Court, on the face of it, are unsustainable. We find sufficient force in the aforesaid submission of the learned counsel for the appellant. The High Court while refusing to invoke its jurisdiction under Section 438 Cr.P.C., was not required to issue any direction to the

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Magistrate as to how the criminal proceedings would be conducted; nor was it entitled to issue any direction to the appointing authority to place an employee under suspension.

We, therefore, set aside that part of the order of the High Court. The appeal stands disposed of accordingly.

Needless to mention, we sustain the order of the High Court refusing to invoke jurisdiction under Sec. 438 Cr.P.C.

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(G.B. PATTANAIK)@@
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New Delhi
September 21, 2001

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(RUMA PAL)@@
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ITEM No.31

Court No. 4

SECTION II
A/N MATTER

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. 1939/2001
(From the judgement and order dated 27/04/2001 in ABA 19/01
of The HIGH COURT OF GAUHATI)

GAUTAM TALUKDAR, ICAS

Petitioner (s)

VERSUS

STATE OF MEGHALAYA

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned
Judgment, stay and anticipatory bail)

Date : 21/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s)

Mr. Prabirananda Chowdhary, Adv.

For Respondent (s)

Mr. Ranjan Mukherjee, Adv.

UPON hearing counsel the Court made the following
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Leave granted.
The appeal stands disposed of in terms of the signed
order.

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(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
Court Master

(Signed order is placed on the file)