

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). 853 OF 2004

MAHABOOB JAN

Appellant (s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

Date: 11/01/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s)

Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. B. Subrahmanya Prasad, Adv.
Mr. Ajay Kumar M., Adv.
For Mr. A.S. Bhasme, Adv.

For Respondent(s)

Mr. Anand Sanjay M. Nuli, Adv.
Mr. V.N. Raghupathy, Adv.
For Mr. Sanjay R. Hegde, Adv.

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

Heard learned senior advocate for the
appellant.

The appeal is dismissed in terms of the
signed order.

(Neetu Khajuria)
Sr.P.A.

(S.S.R. Krishna)
Court Master

(Signed order is placed on the file.)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 853 OF 2004

MAHABOOB JAN

APPELLANT

VERSUS

STATE OF KARNATAKA

RESPONDENT

O R D E R

Heard Mr. B.P.S. Patil, learned senior advocate
appearing for the appellant.

On hearing counsel for the appellant and on going

through the materials on record, we are not inclined to interfere with the the High Court order. accordingly, dismissed.

The appeal is,

There is a need, however, to clarify that the trial court shall not frame charge(s) against the appellant under the provisions of Prevention of Corruption Act, 1947, mechanically and simply following the direction of the High Court. The trial court shall examine the materials coming to light on the basis of the case diary of the investigation and the charge-sheet submitted by the police and in case it is satisfied that the materials justify framing of a triable charge under the provisions of Prevention of Corruption Act, 1947, then only it would frame charge(s) and proceed with the trial.

New Delhi,
January 11, 2011.

.....J.
(R.M. Lodha)

.....J.
(Aftab Alam)