

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). 955 OF 2006

CBI, TH:SUPDT OF POLICE, PATNA

Appellant (s)

VERSUS

BIHAR STATE CO-OP MKG.UNION LTD.

Respondent(s)

(With office report)

Date: 24/02/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s) Mr. Harish Chander, Sr. Adv.
Mr. Mukesh Verma, Adv.
Mr. A.K. Sharma, Adv.
Ms Shweta Verma, Adv.
Mr. P. Parmeswaran, Adv.

For Respondent(s)

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

The Appeal is allowed.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

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O R D E R

Heard learned counsel for the appellant.

Office Report dated 8th September, 2006 shows that show
cause notice was issued to the sole respondent directly as
well as dasti on 1st February, 2006 and learned counsel for

the appellant had, on 17th February 2006, filed affidavit of dasti service alongwith proof of service. Thus, the service of the show cause notice was complete but on one had entered vakalat/appearance on behalf of the sole respondent till 8th September, 2006. Office Report dated 24th February, 2011 further shows that the sole respondent has been served through the concerned High Court also but no one has filed vakalat/appearance on behalf of the sole respondent.

This Appeal has been filed against the impugned judgment of the High Court of Judicature at Patna dated 12.03.2004.

:1:

The facts have been given in the impugned judgment and hence we are not repeating the same here.

On the facts of the case and in view of the changed circumstances, we see no reason to uphold the direction of the High Court for an investigation by the Central Bureau of Investigation, and hence we set aside that direction of the High Court given in the impugned judgment.

The Appeal is allowed accordingly.

.....J.
(MARKANDEY KATJU)

.....J.
(GYAN SUDHA MISRA)

NEW DELHI;
FEBRUARY 24, 2011.

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