

ITEM NO.40

COURT NO.7

SECTION II

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(S). 3074/2012
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 15/03/2012
IN CRLP NO. 6757/2009 PASSED BY THE HIGH COURT OF A.P. AT
HYDERABAD)

G.NARASIMHA RAO

PETITIONER(S)

VERSUS

P.RAJENDRANATH & ANR
(WITH OFFICE REPORT)
(FOR FINAL DISPOSAL)

RESPONDENT(S)

Date : 18/04/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Mr. B. Adinarayana Rao, Sr. Adv.
Mr. Y. Raja Gopala Rao, Adv.
Mr./Ms. Y. Vismai Rao, Adv.
Mr. Hitendra Nath Rath, Adv.
Mr. P. Sharat Kumar, Adv.

For Respondent(s)

Mr. D. Mahesh Babu, Adv.

Mr. A.T.M. Ranga Ramanujam, Sr. Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Dipankar Das, Adv.
Ms. Anu Gupta, Adv.

Mr. S. Udaya Kumar Sagar, Adv.
Mr. Krishna Kumar Singh, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

3. The appellant is a Chartered Accountant who was named as the accused No.2. Commission of offence under Section 12 of the P.C. Act, 1988 is alleged against the appellant. The specific case of the prosecution is that the accused No.2 had accepted the bribe demanded by the accused No.1 on behalf of the said accused. The learned trial Court took into account the facts and circumstances of the case and that the statement of the accused No.2 was recorded under Section 164 Cr.P.C. Thereafter, it allowed the request of the prosecution and granted conditional pardon keeping in view the disclosures made by the accused No.2 in the said statement.

4. The High Court exercising power under Section 482 Cr.P.C. appears to have gone into a fact finding exercise with

regard to the merits of the matter and the veracity of the statements made by the accused No.2.

5. Having perused the order of the learned trial Court and the High Court we are of the view that the order of conditional pardon passed by the learned trial Court on the application of the prosecution was perfectly justified. It is always open for the learned trial Court to withdraw the pardon in the event the accused No.2 does not make a full and true disclosure of the relevant facts, the same being one of the conditions subject to which pardon was granted.

6. In the facts of the present case, the High Court ought not to have interfered with the order of learned trial Court. Accordingly, we allow this appeal; set aside the order of the High Court and

restore that of the learned trial Court with a direction that the proceedings in the case shall now be initiated and concluded at an early date.

.....,J.
(RANJAN GOGOI)

.....,J.
(PRAFULLA C. PANT)

NEW DELHI
APRIL 18, 2016