

Dy. Chief Controller of Imports & Export ...Appellant (s)

Versus~

Virendra Singh RawatRespondent (s)

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The respondent herein and two other persons were charged for offences punishable under Section 120-B read with Sections 420, 468 and 471 of the Indian Penal Code and under Section 5 of the Import and Export (Control) Act, 1947 in the year 1983 before the court of Additional Chief Metropolitan Magistrate, Delhi. Since the trial in that case did not conclude for a long time, the respondent herein filed a criminal miscellaneous petition before the High Court at Delhi in the year 1994 alleging inordinate delay in the disposal of the case and praying for quashing of the charges. The High Court, by its order dated 19th May, 1995, has allowed the revision petition and quashed the proceedings against the respondent.

It is against this order of the High Court, the ...2/-

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appellant is before us.

During the pendency of this case, it is brought to our notice that the learned Magistrate has discharged the other two accused persons and the appellant has not taken any steps to challenge the same, therefore, the said order of discharge has since become final. Taking into consideration the nature of charge as also the fact that the other two accused persons have since been discharged, we find that no useful purpose will be served by interfering with the impugned order.

Mr. T.L.V. Iyer, learned senior counsel appearing for the appellant, however, submits that the basis of the impugned judgement cannot be sustained in law, in view of the fact that law in this regard has since been settled by a Constitution Bench of this Court in P. Ramachandra Rao vs. State of@@

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Karnataka (2002 (4) S.C.C. 578). We think, it is not@@
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necessary for us to decide this question in these proceedings. In this view of the matter, we find no reason to interfere with the impugned order. The criminal appeal fails and is dismissed.

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(N. Santosh Hegde)@@
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(B.P. Singh)@@
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New Delhi,
November 13, 2002.