

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). 1105 OF 2000

STATE OF PUNJAB

Appellant (s)

VERSUS

RAKESH KUMAR & ANR.

Respondent(s)

(With office report)

WITH

APPEAL(CRL) NO. 1106 of 2000

(With office report)

Date: 10/11/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. R.K. Rathore, Add. Adv. General

Mr.Arun K. Sinha,Adv.

For Respondent(s)

Mr. K.K. Mohan,Adv.

Mr. Ashish Mohan, Adv.

Mr. Hari Shankar K ,Adv

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeals are allowed and impugned orders pa

ssed by the High Court are set aside. It is needless to say that neither this order nor any observation made herein shall, in any manner, prejudice the case of the accused persons during trial.

Prakash] [Charanjeet Kaur] [Om
Court Master Court Master Cou
rt Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1105 OF 2000

State of Punjab .. Appellant(s)
Versus
Rakesh Kumar & Anr. .. Respondent(s)

WITH

CRIMINAL APPEAL NO. 1106/2000

O R D E R

Heard learned counsel for the parties.

By the impugned orders, the High Court of Punjab & Haryana has quashed

prosecution of accused Rakesh Kumar and Tajinder Singh under Sections 7 and 13(2) of the Prevention of Corruption Act. On bare perusal of the impugned orders, it would appear that the High Court while exercising its powers under Section 482 of the Criminal Procedure Code

(for short CrI.P.C.) and considering desirability of quashing prosecution of the accused

persons has usurped function of the trial Court by doubting veracity of the prosecution case as

if it was passing an order of acquittal. It is well settled that under Section 482, CrI.P.C. what

is required for the High Court is to consider as to whether there are sufficient grounds for

proceeding. In the present case, there were sufficient grounds to proceed against the accused

persons, therefore, the High Court was not justified in quashing their prosecution.

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For the foregoing reasons, the appeals are allowed and impugned orders passed by

the High Court are set aside. It is needless to say that neither this order nor any observation

made herein shall, in any manner, prejudice case of the accused persons during trial.

.....J[B.N. AGRAWAL]

.....J [A.K. MATHUR]

NEW DELHI,

NOVEMBER 10,2005.