

ITEM NO.101

COURT NO.10

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

Criminal Appeal No(s). 798/2015

PROF. N.K.GANGULY

Appellant(s)

VERSUS

CBI NEW DELHI

Respondent(s)

(with appln. (s) for permission to urge additional facts and grounds
and office report)

WITH

Cr1.A. No. 799/2015
(With Office Report)

Cr1.A. No. 800/2015
(With appln.(s) for directions and Office Report)

Cr1.A. No. 801/2015
(With appln.(s) for directions and Office Report)

SLP(Cr1.)...CRLMP No. 9612/2015
(With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP
and Office Report)

Cr1.A. No. 930/2015

Date : 27/08/2015 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s)

Mr. P.P. Khurana, Sr. Adv.
Mr. Arun K. Sinha, Adv.
Mr. Sachin Sood, Adv.
Mr. Sumit Sinha, Adv.

Mr. Jitendra Singh, Adv.
Ms. Kalpana Sabharwal, Adv.
Ms. Priyanka Singh, Adv.

Mr. Gurucharan Lal Bhatia, Adv.
Ms. Manju Jetley, Adv.

Mr. S.D. Singh, Adv.
Ms. Bharti Tyagi, Adv.
Mr. Rahul Kumar Singh, Adv.

Mr. Gopal Subramaniam, Sr. Adv.
Ms. Shruti Iyer, Adv.
Mr. Govind Manoharan, Adv.
Mr. T.A. Rahman, Adv.
Mr. K. Pandey, Adv.
Mr. Senthil Jagadeesan, Adv.

For Respondent(s) Ms. Kiran Suri, Sr. Adv.
Mr. B.B. Singh, Adv.
Mr. Rajiv Nanda, Adv.
Mr. B. V. Balaram Das, Adv.

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

Heard Mr. P.P. Khurana, learned senior counsel for the appellant in Crl.A. No. 798/2015, Mr. Gopal Subramaniam, learned senior counsel for the appellant in Crl.A.No. 801/2015 and Mr. S.D. Singh, learned counsel for the appellant in Crl.A. No.800/2015. The other learned counsel in the connected matters have adopted the arguments made by the learned senior counsel in Crl.A.798/2015 and Crl.A.801/2015.

Mr. Gopal Subramaniam submitted written arguments on behalf of the appellant in Crl.A.No.801/2015. During the course of argument it was brought to our notice that Crl. Misc. Pet.No. 8694/2014 in Crl.A.No. 798/2015, application for permission to

urge additional ground, was filed and notice was not issued to the respondent with regard to urging additional ground in the matter though in the connected matter i.e. Crl.A.801/2015 want of sanction as required under Section 197 of the Code of Criminal Procedure, 1973, taking cognizance by the learned Magistrate is vitiated in law, is the ground urged and the above Crl. Misc. Pet. was filed urging the same ground. Therefore, we issue notice to the respondent and permit to file counter affidavit, if it desires, within a week and address arguments on the issue.

List the matters on 02.09.2015, at request of Ms. Kiran Suri, learned senior counsel appearing for the respondent, as part heard.

(VINOD KR.JHA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

Citation/Acts/Books

(1996) 1 SCC 478 Para 4
 (2000) 8 SCC 500 Pg.505, Para 8
 (2006) 4 SCC 584, Para 65
 (2009) 8 SCC 617
 (2010) 14 SCC 527
 (1997) 7 SCC 622, Para 17
 (2007) 1 SCC 1 Para 20, 50, 51
 (2006) 1 SCC 294 Para 11, 12

The Prevention of Corruption Act, 1988
 Code of Criminal Procedure, 1973
 Delhi Special Police Establishment (DSPE) Act, 1946