

ITEM NO.7

COURT NO.3

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).5051/2013
(From the judgement and order dated 07/06/2013 in CRLP No.210/2012,
of The HIGH COURT OF GUWAHATI, ASSAM)

MAHAT CH BRAHMA & ORS.

Petitioner(s)

VERSUS

STATE OF ASSAM

Respondent(s)

(With appln(s) for ex-parte stay and office report)

WITH SLP(Crl) NO. 5053 of 2013

(With appln(s) for ex-parte stay, exemption from filing c/c of
the impugned judgment and office report)

SLP(Crl) NO. 5054 of 2013

(With appln(s) for ex-parte stay, exemption from filing c/c of
the impugned judgment and office report)

Date: 21/06/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE RANJAN GOGOI
(VACATION BENCH)

For Petitioner(s)

Mr. A.K. Ganguli, Sr. Adv.
Mr. Subodh Kr. Pathak, Adv.
Mr. P.N. Goswami, Adv.
Mr. S. Neogi, Adv.
Mr. Shashi Ranjan, Adv.
Mr. Chaitanya Safaya, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

For Respondent(s)

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

A substantial question of law arises in these special leave petitions as to whether the Trial Court can proceed with the prosecution of government servants even where the Government refuses sanction for prosecution under Section 197, Cr.P.C. or Section 19 of the Prevention of Corruption Act, 1988.

Issue notice.

In the meanwhile, there shall be stay of further proceedings in the Court of Special Judge, Guwahati, Assam in Spl. Case No. 19/2012 arising out of Vigilance Case P.S. No. 2/2004.

| (G. SUDHAKARA RAO)
| COURT MASTER

| | (SHARDA KAPOOR)
| | COURT MASTER

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