

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).5027/2013

(From the judgment and order dated 24/05/2013 in CRLR No. 928/2013 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

USHA TOMAR

Petitioner(s)

VERSUS

STATE OF U.P & ANR.

Respondent(s)

(With application for exemption from filing certified copy of the impugned Judgment, exemption from filing Official Translation, permission to place additional documents on record, stay of arrest, permission to place additional documents on record)

Date: 20/06/2013 This Petition was 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. Vijay Hansaria, Sr. Adv.
 Mr. Abhinay Ramakrishna, Adv.
 Mr. Ritesh Khatri, Adv.

For Respondent(s)

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

Heard Mr. Vijay Hansaria, learned senior counsel for the petitioner.

Applications seeking exemption from filing official translation, permission to place additional documents and facts on record are allowed.

We find that the trial court in its order dated 21st February, 2013 has already taken a view that since the petitioner has retired from service no sanction is required for prosecution of the petitioner.

Mr. Hansaria has referred to the bare language of Section 197 of the Code of Criminal Procedure as well as a decision of this Court in State of Madhya Pradesh v. Sheetlasahai & Ors. (2009) 8 SCC 617 to contend that even in respect of a retired Government servant, sanction is required under Section 197 Cr.P.C.

He submitted that the High Court has avoided to deal with this contention in the impugned order by saying that this contention may be raised before the trial court despite the clear finding of the trial court that no sanction is necessary.

Issue notice returnable within two weeks.

Dasti service, in addition, is permitted.

In the meanwhile, there shall be stay of the prosecution of the petitioner only.

List the matter in the second week of July, 2013.

[KALYANI GUPTA]

| | [SHARDA KAPOOR]

