

ITEM NO.6

COURT NO.9

SECTION IIB

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). 7647/2009
(Arising out of impugned final judgment and order dated 16/04/2009
in CRLM No. 45437/2006 passed by the High Court Of Punjab & Haryana
At Chandigarh)

HARSH KUMAR SHARMA

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION AND ORS.

Respondent(s)

(With appln. (s) for directions and office report)

WITH

CONMT.PET.(C) No. 788-789/2016 In SLP(C) No. 24338-24339/2014SLP(C) No. 24338-24339/2014(With for permission to appear and argue in person and appln.(s)
for directions and Interim Relief and Office Report)

Date : 22/11/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) In-person

For Respondent(s) Mr. P.K. Dey,Adv.
Mr. Shailender Saini,Adv.
Mr. M.K. Maroria,Adv.
Mr. Bharat Singh,Adv.
Mr. Raj Bahadur,Adv.
Mr. Arvind Kumar Sharma,Adv.
Mr. Shreekant N. Terdal,Adv.

Mr. Sushil Kumar Jain,Sr.Adv.
Mr. V. Madhukar,AAG
Ms. Anvita Gowshish,Adv.
Mr. Sanchar Anand,AAG
Mr. Apoorv Singhal,Adv.
Mr. Rajiv Singhal,Adv.
Mr. Kuldip Singh,Adv.

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

SLP(Cr1.)NO. 7647/2009

The petitioner is facing prosecution under the provisions of Prevention of Corruption Act since he is a public servant. We find from the records that initial sanction to prosecute him was given by the Central Government. However, thereafter, the matter was reviewed after taking opinion of the learned Additional Solicitor General of India and on that basis the Law Ministry also took the view that the sanction order warranted to be withdrawn. To this effect, communication was even addressed to the State of Punjab. When this development was made available to this Court, this Court passed various orders from time to time directing State of Punjab to take action thereupon. However, we are informed that on re-visiting the issue, the Central Government has decided not to withdraw the sanction order. As there is a change in the opinion of the Central Government from time to time on this issue, we would like to peruse the original records wherein these decisions have been taken.

Let the records be produced on the next date of hearing.

List the matter after one month.

SLP(C)No. 24338-24339/2014 and Contempt Petition (Civil)
No. 788-789/206 in SLP(C)No. 24338-24339/2014

Leave granted in SLP(C)Nos.24338-24339/2014.

Hearing concluded.

Judgment reserved.

The appellant has filed the written submissions.

Counsel for the respondent is also permitted to file written submissions, if any, within a period of two weeks from today.

(Madhu Bala)
Court Master

(Mala Kumari Sharma)
Court Master