

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 2036 OF 2013
(arising out of S.L.P. (Crl.) No. 6563 of 2009)

JIT NARAIN PRASAD ... APPELLANT(S)

VERSUS

STATE OF BIHAR & ORS. ... RESPONDENT(S)

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 13.5.2009 passed by the High Court of Jharkhand in Writ Petition (Criminal) No. 262 of 2006. By the impugned order, the prayer made by the appellant for quashing the Memo dated 26.09.2006 granting sanction for prosecution of the appellant in Jharia P. S. Case No. 75 of 1991 has been rejected.

It is common ground that earlier the matter was considered by the competent authority and no material was found to grant sanction for prosecution. Later on the matter was re-considered and by the impugned order, the Law Department has accorded sanction for prosecution of the appellant herein.

Mr. Vijay Hansaria, learned Senior Counsel appearing on behalf of the appellant, submits that there is no material connecting the appellant with the crime and the grant of sanction later on by the impugned order is without application of mind. It is further stated that, in fact, a departmental proceeding was initiated against the appellant but later on the same has been dropped.

Mr. Gopal Singh, learned Standing Counsel for the State of Bihar, has neither pointed out nor we find any material which connects the appellant with the crime. Further, the Law Department while granting sanction for prosecution of the appellant has not referred to any material showing the complicity of the appellant with the crime.

In view of the aforesaid, the order of sanction cannot be allowed to stand.

Ordinarily, after setting aside the order, we would have remitted the matter back for reconsideration, but as the occurrence is alleged to have taken place in 1991 and the appellant has already retired from service in January, 2008, we are not chartering that course.

In the result, we allow the appeal, set aside the impugned order of the High Court and quash the Order of sanction dated 26.09.2006 granting prosecution of the appellant in Jharia P.S. Case No. 75 of 1991.

.....J.
(CHANDRAMAULI KR. PRASAD)

| (S.K. Rakheja)
|Court Master

| |(Indu Satija)
| |Court Master

|

(Signed order is placed on the file)