

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).7317/2010

(From the judgement and order dated 24/04/2009 in SBCRR No. 771/2006 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

STATE OF RAJASTHAN

Petitioner(s)

VERSUS

LALIT KUMAR

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 04/03/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr. Abhishek Gupta, Adv.
Mr. Milind Kumar, Adv.

For Respondent(s)

Ms. Madhurima Tatia, Adv.
Ms. K.V.Bharathi Upadhyaya, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(NIDHI CHUGH)
Sr. P.A.

(RENUKA SADANA)
Court Master

(Signed order is placed on the file.)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2011

(Arising out of Special Leave to Appeal (Criminal)No.7317/2010)

STATE OF RAJASTHAN

...Appellant

VERSUS

LALIT KUMAR

...Respondent

O R D E R

Leave granted.

The High Court in our considered opinion, committed a serious error in dismissing the Criminal Revision No.771 of

2006 filed by the State of Rajasthan challenging the order of discharge passed by the trial court discharging the respondent herein for the offence punishable under the provisions of Prevention of Corruption Act, 1988, and the Indian Penal Code. The High Court dismissed the Criminal Revision filed by the State on the ground that it has become infructuous since the disciplinary proceedings initiated against the respondent herein had been dropped by the State.

In our considered opinion, the order of dropping of the disciplinary proceedings against the respondent has no bearing, whatsoever, on the question as to whether the order of the trial court discharging the respondent is a proper and valid one.

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CRL.A. NO. OF 2011 @ SLP(Crl.)No.7317/2010

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In such view of the matter, the impugned order dated 24.04.2009 passed by the High Court is set aside. The Criminal Revision No. 771 of 2006 shall stand restored to its file for hearing and disposal on merits.

It is made clear, we have not expressed any opinion, whatsoever, on the merits of the case.

The appeal is, accordingly, allowed.

....., J.
(B. SUDERSHAN REDDY)

....., J.
(SURINDER SINGH NIJJAR)

NEW DELHI;
MARCH 04, 2011.