

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.1706-1708 OF 2011

Arun Kumar Aggarwal

..Appellant

versus

State of M.P. and others

..Respondents

O R D E R

By an order dated 28.2.2012, this Court dismissed CrI.M.P. Nos. 4067-4069 of 2012 filed by the respondents in Criminal Appeal Nos. 1706-1708 of 2011 for extension of the time specified in judgment dated 2.9.2011. That order reads as under:

"These criminal miscellaneous petitions have been filed by the State of Madhya Pradesh for extension of time specified in this Court's judgment dated 2.9.2011, the operative portion of which reads as under:

"34. In the result, the appeals are allowed. The impugned Order and Judgment of the High Court in Criminal Revision No. 821 of 2005, Criminal Revision Petition No. 966 of 2005 and Criminal Case No. 3403 of 2005 dated 22.4.2009 is set aside. We restore the Order of the learned Special Judge dated 26.4.2005.

35. We direct the respondents to comply with the order passed by the Trial Court within two months from this date."

On 23.02.2012, the case was adjourned at the request of learned senior counsel appearing for the applicant(s). Thereafter, affidavit dated 27.02.2012 of Smt. Amita Sharma, Principal Secretary, General Administration Department, Government of Madhya Pradesh has been filed.

We have heard Shri Siddharth Luthra, learned senior counsel for the applicant(s) and Shri Prashant Bhushan, learned counsel for the appellant and carefully perused the record including the affidavit of Smt. Amita Sharma.

In our view, there is no valid ground much less justification to entertain the prayer made in the applications, which are dismissed.

Issue notice to the State of Madhya Pradesh through Secretary, General Administration Department as also the officer in

person, returnable in eight weeks, to show cause as to why proceedings may not be initiated under the Contempt of Courts Act, 1971 for non-compliance of judgment dated 2.9.2011 passed in Criminal Appeal Nos.1706-1708 of 2011."

In response to the notice issued by the Court Smt. Vijaya Srivastava, Principal Secretary Personnel, General Administration Department, Government of Madhya Pradesh filed affidavit dated 26.4.2012 along with the documents marked Annexures A-1 to A-8. The Court did not feel satisfied with the affidavit of Smt. Srivastava and directed her to show cause why she should not be punished for having failed to comply with the direction contained in judgment dated 2.9.2011.

Now an affidavit has been filed by Shri Ashwini Kumar Rai, present Secretary, General Administration Department, Government of Madhya Pradesh who has tendered unqualified and unconditional apology for non-compliance of the direction contained in judgment dated 2.9.2011 within the stipulated period. Along with the affidavit, Shri Rai has placed on record order dated 3.7.2012 of the Ministry of Personnel, Public Grievances and Pension, Government of India by which the Central Government refused sanction for prosecuting Shri Raghav Chandra.

We have heard learned counsel for the appellant and Shri Sidharth Luthra, learned Additional Solicitor General appearing for State of Madhya Pradesh and perused the record.

Though, the apology tendered by Shri Ashwini Kumar Rai is not satisfactory, we deem it proper to accept the same and discharge the notice because the Central Government has, vide order dated 03.07.2012, taken a final decision and refused to sanction prosecution of Shri Raghav Chandra. Ordered accordingly.

However, it is made clear that the appellant shall be free to avail appropriate legal remedy against the decision taken by the Central Government.

[G.S. SINGHVI]

.....J.

NEW DELHI;

OCTOBER 09, 2012

.....J.

[H.L. DATTU]

ITEM NO.301

COURT NO.4

SECTION IIA

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

CRIMINAL APPEAL NO(s). 1706-1708 OF 2011

ARUN KUMAR AGGARWAL

Appellant (s)

VERSUS

STATE OF M.P.& ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., PERMISSION TO FILE AFFIDAVIT and office report)

Date: 09/10/2012 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s) Mr. Sumeet Sharma, Adv.

For Respondent(s) Mr. Sidharth Luthra, ASG
(State of MP) Mr. C.D. Singh, Adv.
 Mr. Sunny Choudhary, Adv.

For RR No.2 Mr. Siddhartha Dave, Adv.
 Ms. Jentiben AO, Adv.

For Lokayukt, State Mr. Vikas Upadhyay, Adv.
of MP

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

The notice is discharged in terms of the signed order.
However, it is made clear that the appellant shall be free
to avail appropriate legal remedy against the decision taken by the
Central Government.

(Parveen Kr.Chawla)	(Phoolan Wati Arora)	
Court Master	Court Master	

[signed order is placed on the file]