

ITEM NO.35

COURT NO.13

SECTION II-C

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 (Cr1.) No(s). 1551/2020

[Arising out of impugned final/interim judgment and order dated 13-09-2019 in IA No. 1/2017 in WPCR No.347/2017 passed by the High Court of Chhattisgarh at Bilaspur]

STATE OF CHHATTISGARH &amp; ANR.

Petitioner(s)

VERSUS

K.S. SHREY &amp; ANR.

Respondent(s)

(IA No. 20799/2020 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Cr1) No. 1552-1553/2020 (II-C)  
(IA No. 20949/2020 - EXEMPTION FROM FILING O.T.)

Date : 03-01-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSHU DHULIA  
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Rishabh Sahu, D.A.G.  
Mr. Apoorv Shukla, AOR  
Ms. Prabhleen A. Shukla, Adv.

For Respondent(s) Mr. Kaustubh Anshuraj, AOR

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

Heard learned counsel for the parties.

The respondents are accused in a case bearing FIR/Crime No.24/2017 registered at PS State Economic offences Investigation and Anti Corruption Bureau, Raipur for the offences punishable under Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act (hereinafter called "the PC Act") and presently investigation

is going on. The respondents challenged the proceedings before the High Court under the writ jurisdiction and vide order(s) impugned passed in their application(s) for interim relief, the High Court after hearing both the parties came to the conclusion that *prima facie* case is made out in favour of the respondents and therefore, allowed the said interim application(s) of the respondents and has ordered that till the disposal of the case, the proceedings in connection with aforesaid FIR/Crime No.24/2017, shall remain stayed. By an interim order proceeding under Prevention of Corruption Act have been stayed.

Having heard both the parties we are of the considered view that under the circumstances of the case particularly in a case of Prevention of Corruption Act without having sufficient material before it the Court should not have prejudged the issue and granted a stay to the proceedings. Such an order should not have been passed. We therefore, set aside the order(s) of the High Court dated 13.09.2019 and remand the matter(s) to the High Court with a request to decide the case(s) on its own merit.

The present petitions are disposed of in the above terms.

Pending application(s), if any, shall also stand disposed of.

(NIRMALA NEGI)  
COURT MASTER (SH)

(MAMTA RANI)  
COURT MASTER (NSH)