

2023 LiveLaw (SC) 558

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SANJIV KHANNA; J., BELA M. TRIVEDI; J.**

JULY 11, 2023

CRIMINAL APPEAL NO. OF 2023 (arising out of SLP(Crl.) No. of 2023) (@ Diary No. 35385 of 2022)

CENTRAL BUREAU OF INVESTIGATION *versus* S.R. RAMAMANI & ORS.

Code of Criminal Procedure, 1973; Section 378(2) - the judgment of the Calcutta High Court, which proposed a mechanism for filing of appeals before the HC against acquittals in CBI cases, should not be treated as a mandate.

(Arising out of impugned final judgment and order dated 08-06-2022 in I.A. No. CRAN/1/2018 in CRMSPL/134/2018 passed by the High Court at Calcutta)

For Petitioner(s) Mr. Suryaprakash V. Raju, A.S.G. Ms. Sairica S. Raju, Adv. Mr. Annam Venkatesh, Adv. Mr. Padmesh Mishra, Adv. Mr. Anshuman Singh, Adv. Mr. Zoheb Hossain, Adv. Mr. Arvind Kumar Sharma, AOR

ORDER

Delay condoned.

Leave granted.

We deem it appropriate to clarify that the impugned judgment dated 08.06.2022 passed by the High Court of Calcutta in I.A. no. CRAN/1/2018 in CRMSPL/134/2018 should not be read as a mandate and direction contrary to Section 378(2) of the Code of Criminal Procedure, 1973 (Cr.P.C.). Statutory compliance is necessary, and not discretionary.

In terms of the directions issued by this Court vide order dated 12.05.2023, the appellant – Central Bureau of Investigation (CBI) has filed an affidavit enclosing therewith a number of circulars issued from time to time, including the circular issued post the decision mentioned above, to ensure that appeals are filed within time.

Recording the aforesaid, the appeal is disposed of.

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

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