

ITEM NO.9 Court 3 (Video Conferencing) SECTION II-A

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 (Crl.) No(s). 2787/2020

(Arising out of impugned final judgment and order dated 21-01-2020 in CRMP No. 400/2015 passed by the High Court Of Jharkhand At Ranchi)

SATYABRAT GUPTA Petitioner(s)

VERSUS

THE STATE OF JHARKHAND Respondent(s)

(FOR ADMISSION and I.R.)

Date : 29-07-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

Mr. Harin P. Raval, Sr. Adv.
Mr. Sanjay Kr. Shandilya, Adv.
Ms. Apoorva Agrawal, Adv.
Mr. Mushtaq Ahmad, AOR

For Respondent(s)

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

Heard learned counsel for the petitioner.

We decline to deviate from the view taken by the High Court that the charge against the petitioner for offence punishable under the Indian Penal Code can continue irrespective of the fact that sanction in respect of offence punishable under Prevention of Corruption Act,

1988 is not forthcoming. To that extent, we find no infirmity in the conclusion reached by the High Court.

Our understanding of the impugned judgment is that the High Court has made it clear that if sanction to prosecute the petitioner for offence punishable under Prevention of Corruption Act, 1988 is not or has not been granted, the question of proceeding against the petitioner for that charge does not arise. This aspect be borne in mind by the Trial Court while proceeding with the trial against the petitioner.

In light of above, no further indulgence is warranted.

The Special Leave Petition is dismissed accordingly.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)