

RAKESH SAXENA  
v.  
STATE THROUGH C.B.I.

A

NOVEMBER 7, 1986

[P.N. BHAGWATI, C.J. AND. RANGANATH MISRA, J.]

B

*Constitution of India, Article 136—Special Leave—Granted—Charges quashed—Reasons—Offences committed more than six years ago by a trader in the lowest rung of hierarchy—Extremely doubtful whether trial would end in conviction.*

C

**HELD:** 1. The fact that the offences, if any, are alleged to have been committed more than six years ago and the appellant was merely a trader at the lowest rung of the hierarchy in the Foreign Exchange Division of the Bank and not a highly placed officer and the trial is bound to occupy the time of the court of first instance for not less than two or three years in view of the complicated nature of the case and even then, it is extremely doubtful whether it will at all result in conviction no useful purpose will be served by allowing the prosecutions to continue. [H-174A]

D

However, if the Bank has any legitimate claim against the appellant, it will be open to the Bank to pursue any civil remedies which may be available to it. [174B]

E

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal Nos. 563-64 of 1986

From the Judgment and Order dated 30.9.85 in the High Court of Delhi at New Delhi in CrI. M.(M) Nos. 1105 & 1106 of 1985.

F

M.R. Sharma and Dalveer Bhandari for the Appellant.

The Judgment of the court was delivered by

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MISRA, J. Special leave granted.

We have carefully considered the various aspects of the case and we are of the view that having regard to the nature of the dispute and the fact that the offences, if any, are alleged to have been committed more than six years ago and the appellant was merely a trader at the

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- A lowest rung of the hierarchy in the Foreign Exchange Division of the Bank and not a highly placed officer and the trial is bound to occupy the time of the court of first instance for not less than two or three years in view of the complicated nature of the case and even then, it is extremely doubtful whether it will at all result in conviction, no useful purpose will be served by allowing the prosecutions to continue.
- B Hence, we allow the appeals and quash the charges against the appellant. We may, however, make it clear that if the Bank has any legitimate claim against the appellant, it will be open to the Bank to pursue any civil remedies which may be available to it.

M.L.A.

Appeals allowed.

C