

STATE BY C.B.I. NEW DELHI

v

R. SURI BABU AND ANR.

OCTOBER 17, 2000

[K.T. THOMAS AND R.P. SETHI, JJ.]

*Prevention of Corruption Act, 1988 : Sections 7, 12, 13(1)(d) and 13(2).*

*Indian Penal Code, 1860 : Section 120-B.*

*Accused—Offences committed under Prevention of Corruption Act, and I.P.C.—Trial Court found sufficient evidence to frame charge against accused persons—In revision High Court discharged two accused-respondent—Appeal by C.B.I. before Supreme Court—Pursuant to views expressed by Supreme Court regarding the consequence of dealing with a petition filed by the accused for discharging them and the dangers involved for either side if this Court is to reach any finding on the contentious issues respondents withdrew the revision petitions filed before the High Court for discharge—Order by Supreme Court that the revision petitions filed in the High Court by the respondents would stand withdrawn—Direction to Trial Court to frame charge against the respondents and conclude trial expeditiously.*

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal Nos. 155-156 of 2000.

From the Judgment and Order dated 6.9.1999 of the Karnataka High Court in Crl. R.P. Nos. 112 and 174 of 1999.

Altaf Ahmad, Additional Solicitor General, A.D.N. Rao, K.N. Nagpal and P. Parmeswaran for Ms. Sushma Suri with him for the Appellant.

Kapil Sibāl and D.K. Garg for the Respondent No. 2.

D. Manesh Babu and L. Nageswara Rao for the Respondent No. 1.

The following Order of the Court was delivered :

These appeals have been preferred by the Central Bureau of Investigation

A challenging the order of a Single Judge of the Karnataka High Court by which two out of six accused were discharged from trial proceedings. The third as Mr. Bangrappa a former Chief Minister of the State of Karnataka and sixth accused Mr. Suri Babu was his Private Secretary while he was holding office as Chief Minister. Those two accused were discharged by the impugned order.

B They and four others were chargesheeted by the Central Bureau of Investigation for the offences under Sec. 13(2) read with Sec. 13(1)(d) and Sec. 7,12 of the Prevention of Corruption Act 1988 read with Sec. 120-B of the Indian Penal Code. The first accused is shown as Principal of one C P.C. Dental and Nursing College, Bangalore, second accused was shown as the Minister for Health in the Ministry headed by the third accused Bangarappa and the fourth accused was the Chairman of the said P.C. Dental and Nursing College, (apart from being a sitting M.L.A.) and accused No. 5 was Chairman of the Local Enquiry Committee appointed by the D Bangalore University.

E The trial court heard the accused in the matter of framing charge and passed a detailed order on 8.1.1999 holding that the evidence produced by the prosecution is sufficient to frame charge against the accused persons. The said order of the Special Judge was challenged by the respondents in these appeals before the High Court in Criminal Revision Petition Nos. 112/99 and 174/99. Both were heard together and by a common order (which is under challenge in these appeals) learned single judge discharged those accused, but at the same time directed the case to be proceeded as against the remaining accused.

F The appellant - C.B.I. had raised various grounds assailing the reasoning advanced by the learned single judge for discharging the respondents. As the arguments were started we expressed the consequence of dealing with a petition filed by the accused for discharging them and pointed out the dangers involved for either side if this Court is to reach any finding on the contentious issues. At the said stage, learned counsel for the respondent G sought time to get instructions in the matter. Today under instructions from the respondents, it was submitted before us by Mr. Kapil Sibal, learned senior counsel that those respondents would withdraw the revision petitions filed before the High Court for discharge, without prejudice to their rights to raise appropriate contentions before the trial court at the H appropriate stage.

Mr. Altaf Ahmad, learned Additional Solicitor General appearing for the C.B.I. submitted that he has no objection to the said course being adopted as it would enable the trial to proceed to its logical end. A

In the light of the said submission that revision petitions filed before the High Court are withdrawn we do not think it necessary to go into the contentions or grounds raised in these appeals for assailing the reasoning adopted by the learned single judge. We order that the revision petitions filed in the High Court by the respondents would stand withdrawn and consequently the impugned order will stand erased. If the trial court is to decide any question which had been dealt with in the impugned judgment the same shall be decided as though the High Court has not pronounced any opinion on such questions thus far. The trial court will now frame charge against the respondents alongwith the other accused and proceed to take evidence in accordance with law and conclude the trial and dispose it of as expeditiously as possible. B C

Appeals are disposed of accordingly. D

T.N.A.

Appeals disposed of.