

RAMENDRA @ RAMAN DHULDHUE

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v.

STATE OF MADHYA PRADESH

(Criminal Appeal No. 56 of 2013)

DECEMBER 10, 2015

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[ANIL R. DAVE AND DIPAK MISRA, J.]

M.P. Vishesh Nyayalaya Adhiniyam, 2011 – Retrospective applicability of – Discussed – Prevention of Corruption Act, 1988 – s.13(1)(e).

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Yogendra Kumar Jaiswal Etc. v. State of Bihar and Ors. 2016 (3) SCC 183 – referred to.

Case Law Reference

2016 (3) SCC 183 referred to. Para 5

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CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 56 of 2013.

From the Judgment and Order dated 03.07.2012 of the High Court of Madhya Pradesh Bench at Indore in M. Cr. C. No. 4045 of 2012.

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Ashok Mathur, Adv., for the Appellant.

C. D. Singh, Adv., for the Respondent.

The Judgment of the Court was delivered by

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DIPAK MISRA, J. 1. The appellant was appointed on the post of Assistant Grade III in the Regional Transport Office, Indore. A search was conducted on the residential premises of the appellant on the allegation that the property was acquired from the ill-gotten money by criminal misconduct as per Section 13(1)(e) of the Prevention of Corruption Act, 1988.

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2. After M.P. Vishesh Nyayalaya Adhiniyam, 2011 (for short, "the Act") came into force, the appellant was brought

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A within the ambit of that Act by declaration under Section 5 of the Act.

3. As the factual matrix would reveal, after the declaration, the prosecution filed an application under Section 13(1) for confiscation of the property under Section 15(3). The appellant
B protested and filed application for his discharge, but the said application met with non-success. The appellant approached the High Court under Section 482 of the Code of Criminal Procedure, 1973 for quashment of the order passed by the
C Special Judge. It was contended before the High Court that the Act could not be made retrospectively applicable inasmuch as it is a substantive law having penal consequence.

4. The High Court, as is manifest from the impugned order, after analyzing the provisions and also keeping in view the
D concept of confiscation, has not accepted the plea of retrospective applicability of the Act.

5. In our considered opinion, the view expressed by the High Court is infallible in view of the judgment pronounced by us today in Civil Appeal Nos. 6448-6452 of 2011 titled
E ***Yogendra Kumar Jaiswal Etc. v. State of Bihar & Ors.***

6. Resultantly, the appeal, being devoid of merit, stands dismissed.