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COMMON CAUSE & ORS.

v.

UNION OF INDIA & ORS.

(I.A. No. 13 of 2014)

B

IN

(Writ Petition (C) No. 463 of 2012)

JANUARY 23, 2017

**[MADAN B. LOKUR, KURIAN JOSEPH AND
A. K. SIKRI, JJ.]**

C

Investigation – Special Investigation Team – Appointment – To investigate the abuse of authority committed by the then CBI Director (Sh. Ranjit Sinha) in order to scuttle inquiries, investigations and prosecutions being carried out by the CBI in coal block allocation cases – Held: In view of the Report filed by the Committee appointed by Supreme Court to look into the allegations against Sh. Ranjit Sinha, a prima facie case has been made out for investigation into the abuse of authority by Sh. Ranjit Sinha – Therefore, Special Investigation Team is appointed to look into the report and other relevant documents and to conduct an investigation – The Special Investigation Team led by the present Director CBI may take assistance of two officers of CBI nominated by the Director with due intimation to Supreme Court – The Director, CBI would also take the Chief Vigilance Commissioner into confidence – The Special Public Prosecutor in the coal block allocation cases, would also assist the Director, CBI and the team on legal issues.

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CIVIL ORIGINAL JURISDICTION : I. A. NO. 13 OF 2014 in Writ Petition (Civil) No. 463 of 2012

Under Article 32 of the Constitution of India.

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Mukul Rohatgi, AG, A. Sharan, R.S. Cheema, Vikas Singh, Sr. Advs., Prashant Bhushan, Pranav Sachdeva, Ajay Sharma, Gaurav Sharma, Ms. Diksha Rai, Ms. Binu Tamta, M.K. Marora, D. S. Mahra, Amit Anand Tiwari, Sanchit Guru, Pushpendra Singh, Ms. Tarannum Cheema, Harinder Singh Bains, Ms. Deepeika Kalia, Kapish Seth, Ms. Shilpi Singh, Chandra Prakash, Tapesh Kumar Singh, Mohd. Waquas,

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Ms. Hemantika Wahi, Amarjit Singh Bedi, Braj Kishore Mishra, Devashish Bharuka, Dinesh Kumar Garg, D. Mahesh Babu, E. C. Agrawala, Mishra Saurabh, Parijat Sinha, Ramendra Mohan Patnaik, Mrs. Kirti Renu Mishra, Mrs. Shally Bhasin, V. Shyamohan, Ms. Aparna Jha, Ms. Binu Tamta, M/s. Dua Associates, Ms. Kamini Jaiswal, M/s. Karanjawala & Co., M/s. Khaitan & Co. Advs. for the appearing parties.

The Judgment of the Court was delivered by

MADAN B. LOKUR, J. 1. In our order dated 14th May, 2015 we had held that it was completely inappropriate for Mr. Ranjit Sinha (then Director of the Central Bureau of Investigation or CBI) to have met persons accused in the coal block allocation cases without the investigating officer being present or without the investigating team being present. We were also of opinion that in view of this, it would be necessary to enquire whether any one or more such meetings that Mr. Sinha had with the accused persons had any impact on the investigations and subsequent charge-sheets or closure reports filed by the CBI.

2. We had requested assistance from the Central Vigilance Commission in this regard and during the pendency of the proceedings, we had also appointed a Committee headed by Mr. M.L. Sharma, IPS (Retired), former Special Director CBI and former Central Information Commissioner to look into the allegations and give us a report.

3. Mr. Sharma submitted a report on 4th March, 2016, a copy of which was handed over to the learned Attorney General with a request to consider the report and assist us as to the further course of action.

4. Thereafter, we heard the submissions of all the learned counsel including Mr. Vikas Singh appearing on behalf of Mr. Ranjit Sinha.

5. We have perused the detailed report given by Mr. M.L. Sharma and express our gratitude to him for the invaluable assistance rendered by him and his team. We would not like to make any comment on the contents of the report but on a careful perusal thereof, we do think it necessary to accept the second prayer made in the I.A. which is to the following effect :-

“Direct an SIT appointed by this Hon’ble Court to investigate the abuse of authority committed by the CBI Director in order to scuttle enquiries, investigations and prosecutions being carried out

A by the CBI in coal block allocation cases and other important cases”.

6. We have considered the issue whether an outside body of investigators should be appointed as the Special Investigating Team. However, in our considered opinion, since there has been a change of guard in the CBI, we would continue to repose our faith in the impartiality of the CBI to look into the report prepared by Mr. M.L. Sharma and other relevant documents and conduct an investigation (as a Special Investigating Team) into the abuse of authority *prima facie* committed by Shri Ranjit Sinha with a view to scuttle enquires, investigations and prosecutions being carried out by the CBI in coal block allocation cases.

7. The Special Investigating Team led by the Director, CBI may take the assistance of two officers of the CBI nominated by the Director with due intimation to this Court. The Director, CBI will also take the Chief Vigilance Commissioner into confidence in respect of the investigations. Since the Director, CBI will undoubtedly require the assistance of somebody well conversant with the law, we request Mr. R.S. Cheema who is already a Special Public Prosecutor in the coal block allocation cases to assist the Director, CBI and his team on legal issues.

8. We make it clear that we have not expressed any opinion on the merits of the allegations made by the petitioner or make any comment on the contents of the report prepared by Mr. M.L. Sharma and his team except to say that a *prima facie* case has definitely been made out for investigation into the abuse of authority by Mr. Ranjit Sinha in terms of the report.

9. A copy of this order may be provided to the Director, CBI who will indicate on the next date of hearing the composition of his team and the time required to complete the investigations.

10. We need hardly emphasise that the matter is of considerable public importance and should be taken up with due earnestness by the Director, CBI.