

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.673 OF 2017
(@SLP (CrI.) No.1806 of 2015)

THE STATE REP. BY INSPECTOR OF
POLICE THR. C.B.I

APPELLANT

VERSUS

V. SURYANARAYANA

RESPONDENT

O R D E R

Leave granted.

After hearing the learned counsel for the parties in the matter, it is clear that the High Court has passed the Order setting aside the charges which have been framed against the petitioner (respondent herein) and directed (under Section 482 of Cr.P.C.) quashing the FIR on the ground that the prosecution failed to obtain the approval and permission from the concerned Government Authority to prosecute him. Accordingly, the High Court held that the case against the petitioner (respondent herein) is not maintainable and quashed the same.

It has to be noted that during the hearing of this matter, it has been pointed out by Mr. Ranjit Kumar, learned Solicitor General appearing for the appellant that under Section 197 of Cr.P.C., it is not necessary to take sanction against the person who has done an act in a capacity while in service.

Accordingly, in our opinion, the High Court has also failed, so far as Penal Code offence and further the fact which has been specifically stated, are concerned and it has been further revealed that an amount of Rs.1.26 crores has been paid in the name of Executive Engineer, Fisheries Department on 21.01.2008 through a cheque bearing No.084228 by ESIC from its account with SBI Main Branch, Koti,

Hyderabad for the works to be carried out at Visakhapatnam and Vijayawada and the said cheque was cleared and it is evident from the bank account and thereafter, it also revealed that out of these funds, funds of Rs.1 Crore was diverted by Mr. V. Suryanarayana, respondent herein into four Fixed Deposits (FDs) through cheques bearing Nos.206792, 206793, 206794, 206795 on 18.02.2008 and several ATM payments were also made to several persons by him.

In view of that, we find that High Court ignored the said fact in deciding the matter in question and accordingly without taking the note of these facts in the matter and the complaint lodged against the respondent herein, the High Court in our opinion wrongly quashed the complaint against the respondent herein made under Section 482 of CrPC before it.

Since the respondent has already retired from the service, it is not necessary on the date of the cognizance of the matter in question to take any further sanction in this matter under the Prevention of Corruption Act.

In view of that we allow this appeal and set aside the order passed by the High Court. Accordingly, necessary steps to be taken in the matter by the appellants.

.....J.
(PINA KI CHANDRA GHOSE)

.....J.
(ROHINTON FALI NARIMAN)

NEW DELHI,
APRIL 07, 2017

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.1806/2015

(Arising out of impugned final judgment and order dated 09/07/2014 in CRP No. 5027/2014 passed by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh)

THE STATE REP. BY INSPECTOR OF
POLICE THR. C.B.I

Petitioner(s)

VERSUS

V. SURYANARAYANA

Respondent(s)

(With office report)

Date : 07/04/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Ranjit Kumar, SG
Mrs. Pinky Anand, ASG
Mr. P. K. Mullick, Adv.
Mr. Vikramjit Banerjee, Adv.
Ms. Sowdimini Sharma, Adv.
Mr. Mukesh Kumar Maroria, AOR

For Respondent(s) Mr. Shail Kumar Dwivedi, Adv.
Mr. G. Venkateswara Rao, Adv.
Mr. Ashutosh Sharma, Adv.
Mr. Siddharth Krishna Dwivedi, Adv.
For Mr. Gunnam Venkateswara Rao, AOR

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

Leave granted.

Appeal is allowed in terms of the Signed Order.

(RASHI GUPTA)
SR.P.A.

(SNEH LATA SHARMA)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

