

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO(S). 747 OF 2020
(Arising from SLP(CrI.) No(s). 8962/2018)

V. HANUMANTHAI AH

APPELLANT(S)

VERSUS

RAGHAVENDRA H. AUDARKAR & ORS.

RESPONDENT(S)

WITH
CRIMINAL APPEAL NO. 748 OF 2020
(Arising from SLP(CrI.) No. 9469/2018)

O R D E R

1. Leave granted.
2. These appeal(s) take exception to the judgment(s) and order(s) dated 01.02.2018 and 20.02.2018 passed by the High Court of Karnataka in CrI.P.Nos. 332/2018 and 70/2018 respectively.
3. The criminal petition(s) were filed for quashing of criminal case(s) instituted against the private respondent(s) concerning offences punishable under Sections 7, 8, 9, 10, 13 and 15 of Prevention of Corruption Act and Sections 415, 420, 464 r/w Section 34 of the Indian Penal Code.
4. While entertaining the said petition(s), the learned Single Judge of the High Court issued notice and granted *ex parte* stay, as sought by the petitioners (private respondents).

5. We are appalled to notice that, presumably, the learned Single Judge of the High Court was not conscious about the principle underlying statutory provision (Section 22) of the Prevention of Corruption Act, which clearly comes in the way of granting interim relief of stay of criminal trial concerning offences under Prevention of Corruption Act. More so, such drastic order(s) could not have been passed without hearing the counsel for the State. In any case, the order(s) under appeal are unsustainable and cannot be countenanced. Hence, the same are quashed and set aside.

6. We are informed that investigation is complete and appropriate police report has been filed before the concerned Court. That may proceed on its own merits in accordance with law expeditiously.

7. The appeal(s) and pending applications are disposed of accordingly.

....., J.
(A.M. KHANWILKAR)
....., J.
(B.R. GAVAI)
....., J.
(HRISHIKESH ROY)

NEW DELHI
NOVEMBER 16, 2020.

