

ITEM NO.1501

COURT NO.13

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 335/2020

THE STATE OF PUNJAB

Appellant(s)

VERSUS

JASBIR SINGH

Respondent(s)

Date : 26-02-2020 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGUDAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Appellant(s) Ms. Uttara Babbar, AOR

For Respondent(s) Mr. Shubham Bhalla, AOR

Hon'ble Mr. Justice Mohan M. Shantanagoudar pronounced the judgment of the Bench consisting of Hon'ble Mr. Justice Ashok Bhushan and His Lordship.

Given that the decision of the three-Judge Bench in *Sharad Pawar* (supra) did not assign any reason as to why it was departing from the opinion expressed by a Coordinate Bench in *Pritish* (supra) regarding the necessity of a preliminary inquiry under Section 340 of the CrPC, as also the observations made by a Constitution Bench of this Court in *Iqbal Singh Marwah* (supra), we find it necessary that the present matter be placed before a larger Bench for its consideration, particularly to answer the following questions:

(i) Whether Section 340 of the Code of Criminal Procedure, 1973 mandates a preliminary inquiry and an

opportunity of hearing to the would-be accused before a complaint is made under Section 195 of the Code by a Court?

(ii) What is the scope and ambit of such preliminary inquiry?

Accordingly the Registry is directed to place the papers before the Hon'ble Chief Justice for appropriate orders in terms of the non-reportable judgment.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(R.S. NARAYANAN)
COURT MASTER

(Non-reportable judgment is placed on the file)