

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(s). 1778/2019

(Arising out of impugned final judgment and order dated 16-03-2018 in CRLMC No. 1548/2011 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

RAJESH KUMAR PANDEY

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH HOME DEPARTMENT

Respondent(s)

(IA No. 24002/2019 - EXEMPTION FROM FILING O.T.)

Date : 04-03-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Pradeep Kant, Sr. Adv.  
Mr. Rohit Kumar Singh, AOR  
Mr. Simranjeet Singh Reki, Adv.  
Mr. Shubham Kunar, Adv.  
Ms. Rajlakshmi Singh, Adv.  
Mr. Prince Ujjwal, Adv.

For Respondent(s) Mr. Ardhendumauli Kumar Prasad, AAG, Sr. Adv.  
Mr. Rohit K. Singh, AOR  
Ms. Ananya Sahu, Adv.

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

It is submitted at the Bar that initially no charge-sheet was filed as against the petitioner herein. Nine years later, at the instance of the main accused/Dr. R. C. Dhaon, a supplementary charge-sheet was filed as against the petitioner but Sections 34 and 120-B of the Indian Penal Code, 1860 (IPC) were not invoked against the petitioner as well as Dr. R. C. Dhaon.

It is further submitted that the main accused/Dr. R. C. Dhaon is since deceased and the trial as against him has abated.

Contd..

In the circumstances, we hold that the trial as against the petitioner herein, who was charge-sheeted at the instance of Dr. R.C. Dhaon, only against the petitioner cannot now be continued. The summoning order dated 12.01.2011 passed by the Additional Chief Judicial Magistrate III, Faizabad in case No.14660/2009 as well as the impugned order of the High Court passed in Case No.1548 of 2011 upholding the order of the trial court have lost their efficacy.

It is needless to observe that the petitioner herein has been exonerated of the charges of embezzlement in the departmental inquiry having regard to the peculiar facts of this case.

The Special leave Petition is disposed of in the aforesaid terms.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)  
ASTT. REGISTRAR-cum-PS

(MALEKAR NAGARAJ)  
COURT MASTER (NSH)