

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1761 OF 2009
[ARISING OUT OF S.L.P. (CRL.) NO. 4034 OF 2007]

STATE THROUGH INSPECTOR
OF POLICE CBI, CHENNAI APPELLANT

VERSUS

N.C. NAHAR & ORS. RESPONDENTS

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

We are indeed disturbed by some of the observations made by the High Court. The accused-respondent was acquitted by the trial court for offences punishable under the Prevention of Corruption Act, 1947 and sentenced to term of imprisonment. An appeal was thereafter filed in the High Court by the State and the High Court set aside the acquittal of the accused (para 30) but at the same time held as under:-

“The result, following the judgments of this Court rendered in State by Food Inspector v. Kumaresan (1992) LAW WEEKLY (CRL.) 782 and considering the facts that the offences are related to the year 1989 for which case was registered in regular case No. 10/A/91 on 28.2.1991 by P.W. 12, the Inspector of Police on Instruction by

the Superintendent of Police and the case ended in acquittal as per judgment the mental agony suffered by the respondents/assured, this court is of the view that the acquittal of the accused need not be disturbed. Accordingly, this appeal is disposed of."

On the face of it, the observations in the aforesaid paragraphs cannot be reconciled. We, accordingly, allow this appeal, set aside the order of the High Court dated 04.04.2006 and remit the matter to the High Court for decision afresh in accordance with law. As the matter is pending since the year 1989, we would request the High court to dispose of the matter as expeditiously as possible preferably within a period of three months from the date of communication of this order.



.....J
[HARJIT SINGH BEDI]

.....J
[J.M. PANCHAL]

NEW DELHI
SEPTEMBER 11, 2009.

SUPREME COURT OF INDIA



JUDGMENT