

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.2021 OF 2011
(ARISING OUT OF SLP(CRL.)NO.8515 OF 2010)

STATE OF RAJASTHAN

APPELLANT

VERSUS

RAVI SHANKAR SRIVASTAVA

RESPONDENT

WITH CRL.A.NO.2023 OF 2011 @ SLP(CRL.)NO.8984/2010

AND WITH CRL.A.NO.2022 OF 2011 @ SLP(CRL.)NO. 8983/2010

O R D E R

CRL.A.NO.2021 OF 2011 @ SLP(CRL.)NO.8515/2010):

Leave granted.

This appeal is directed against the judgment and order passed by the High Court of Judicature for Rajasthan at Jaipur Bench, Jaipur in S.B.Criminal Misc.Petition No.931 of 2009 dated 6.8.2010.

The respondent herein had filed a petition under Section 482 of the Code of Criminal Procedure (for short 'Code') for quashing of F.I.R.No.110 of 2004, registered for the alleged offences under Sections 7,8, 10, 13(1)(a) & 13(1)(d)(2) of the Prevention of Corruption Act, 1988 and Sections 466, 471 & 120-B of the Indian Penal Code by the Special Police Station, Rajasthan State Anti Corruption Bureau, Jaipur.

The High Court, while disposing of the aforesaid petition, has passed the following order :

"In view of above order passed, it appears that in two identical matters, protection has been provided to the petitioner therefore, to maintain parity, I deem it proper to pass order that no adverse or punitive action be taken against the petitioner in pursuance of FIR No.110/2004 till the instant petition is decided."

The State is aggrieved by the later portion of the order passed by the High Court. That is how it is before us in this appeal.

We have heard Dr.Manish Singhvi, learned Additional Advocate General for the appellant-State and Shri Nagendra Rai, learned senior counsel for the respondent.

In our view, the High Court, while deciding the petition filed under Section 482 of the Code by the respondent, ought not to have directed the authority that no adverse or punitive action be taken against the petitioner and in fact this was wholly unnecessary for the disposal of the criminal case. Therefore, this portion of the order passed by the High Court requires to be deleted. Accordingly, we pass the following order :

The appeal is disposed of.

The order passed by the High Court *"that no adverse or punitive action be taken against the petitioner in pursuance of FIR No.110/2004 till the instant petition is decided"* is deleted.

Ordered accordingly.

CRL.A.NO.2023 OF 2011 @ SLP(CRL.)NO.8984/2010 &
CRL.A.NO.2022 OF 2011 @ SLP(CRL.)NO.8983/2010:

In view of the order passed above in Criminal Appeal arising out of SLP(Crl.)No.8515/2010, these appeals are also disposed of.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
NOVEMBER 04, 2011

