

HIGH COURT OF MADHYA PRADESH : JABALPUR

FULL BENCH - I (Time 10:30 AM)

Daily Cause List dated : 05-01-2017

BEFORE: HON'BLE SHRI JUSTICE C V SIRPURKAR & HON'BLE SHRI JUSTICE ATUL SREEDHARAN & HON'BLE SHRI JUSTICE ANURAG KUMAR SHRIVASTAVA

Court Room No.: 24

MOTION HEARING[DIRECTION MATTERS]

SN	Case No	Petitioner / Respondent	Petitioner/Respondent Advocate
1	MCRC 17270/2016	BHAWNA KALE Versus THE STATE OF MADHYA PRADESH CrPC - S. 482, IPC - S. 406/489(A)/120(B)/462/421/419/409/408, Prevention of Corruption Act - S. 13(1)(D)/13(2), CRIMINAL LAW & PROCEDURE-12100 - Code of Criminal Procedure, 1973-12102 - SECTION 482. Relief - FOR QUASHING THE CHARGE SHEET FILED AGAINST THE PETITIONER {Fixed Date/SPC} ORDER DATED 14.10.2016 PASSED BY A DIVISION BENCH COMPRISING HON'BLE SHRI JUSTICE S.K. SETH AND HON'BLE SHRI JUSTICE G.S. AHLUWALIA, THE MATTER WAS DIRECTED TO BE PLACED BEFORE HON'BLE THE ACTING CHIEF JUSTICE WITH FOLLOWING OBSERVATIONS: "THE AFORESAID JUDGMENT HAS BEEN FOLLOWED AND RELIED UPON BY THE SUPREME COURT IN THE CASE OF UNION OF INDIA VS. PRAKASH P. HINDUJA AND ANOTHER, AIR 2003 SC 2612. THUS, IT IS CLEAR THAT ONCE THE CHARGE-SHEET IS FILED, MERELY BECAUSE THE INVESTIGATING AGENCY HAD NO JURISDICTION TO INVESTIGATE THE MATTER, THE CHARGE-SHEET CANNOT BE QUASHED AS IT IS NOT POSSIBLE TO SAY THAT "A COGNIZANCE ON AN INVALID POLICE REPORT IS PROHIBITED AND, IS, THEREFORE, A NULLITY." IN VIEW OF THE AFORESAID DISCUSSION, WE RESPECTFULLY DIFFER FROM THE ORDER RENDERED BY THE COORDINATE BENCH OF THIS COURT IN M.C.R.C.NO.9915/2015. WE, THEREFORE, DIRECT THE REGISTRY TO PLACE THE PAPERS BEFORE HON'BLE THE ACTING CHIEF JUSTICE FOR NECESSARY ORDERS TO RESOLVE THE CONTROVERSY." AFORESAID DIRECTIONS WERE MADE BY THE DIVISION BENCH IN VIEW OF THE EARLIER JUDGMENT PASSED BY ANOTHER DIVISION BENCH COMPRISING HON'BLE SHRI JUSTICE S.K. GANGELE AND HON'BLE SHRI JUSTICE ASHOK KUMAR JOSHI IN M.C.R.C.NO.9915/2015, WHEREBY THE FINAL REPORT UNDER SECTION 173(2) OF THE CR.P.C. IN CRIME NO.47/2015 REGISTERED BY P.S.-HARDA, DISTRICT-HARDA AND THE CRIMINAL PROCEEDINGS ARISING THEREFROM WERE QUASHED HOLDING AS FOLLOWS: "IN THIS VIEW OF THE MATTER, THE INVESTIGATION CONDUCTED BY THE LOCAL POLICE AND THE CHARGE-SHEET FILED BY THE POLICE AGAINST THE PETITIONER IS WITHOUT POWER AND AUTHORITY IN REGARD TO SPECIAL OFFENCES I.E. PUNISHABLE UNDER THE PREVENTION OF CORRUPTION ACT 1988, BECAUSE THE MATTER IS INTERRELATED HENCE, IT WOULD NOT BE APPROPRIATE THAT LOCAL POLICE MAY PROSECUTE THE PETITIONER FOR OTHER OFFENCES ALSO. CONSEQUENTLY, THE CHARGE-SHEET AND THE CRIMINAL PROCEEDINGS INITIATED AGAINST THE PETITIONER VIDE CRIME NO.47/2015 REGISTERED AT POLICE STATION HARDA ARE HEREBY QUASHED BEING WITHOUT JURISDICTION. IT IS HEREBY CLARIFIED THAT THIS COURT HAS NOT OPINED ON THE MERITS OF THE CASE AND THE COMPETENCE OF COMPETENT PROSECUTING AGENCY."	SIDDHARTH RADHE LAL GUPTA, RADHE LAL GUPTA, SANT KUMAR GARG, AMIT GARG, VIKAS KUMAR JAIN, ADITYA SHARMA
1.1	Linked CRR 544/2016	ARVIND JAIN Versus THE STATE OF MADHYA PRADESH	SIDDHARTH KUMAR SHARMA, MANISH KUMAR TIWARI, RAMSAKHA KUSHWAHA ADVOCATE GENERAL CrPC - S. 397/401, IPC - S. 120(B)/471(120)(B)/468(120)(B)/467(120)(B)/420(120)(B)/201, CRIMINAL LAW & PROCEDURE-12100 - Code of Criminal Procedure, 1973-12102 - REVISION AGAINST CHARGE/DISCHARGE Relief - QUASH THE CHARGE DATED 10/02/2016 {After Week/Month/Vacation} FOR ADMISSION AND IA NO.4054/2016-STAY APPLICATION
1.2	Linked CRR 581/2016	SANGEETA VERMA Versus THE STATE OF MADHYA PRADESH	SANJAY KUMAR PATEL, VINEETA PATEL, SUBHASH PATHAK, SUSHIL KUMAR SHARMA ADVOCATE GENERAL CrPC - S. 397/401, IPC - S. 409/467/468/471/420/120(B), Prevention of Corruption Act - S. 13(1)(d)/13(2)/13(1)(B), CRIMINAL LAW & PROCEDURE-12100 - Code of Criminal Procedure, 1973-12102 - REVISION AGAINST CHARGE/DISCHARGE CORRUPTION-12000 - Prevention of Corruption Act 1947-12001 - Prevention of Corruption Act 1947-12001 Relief - TO SET ASIDE THE IMPUGNED ORDER DT. 10.02.2012. {After Week/Month/Vacation} FOR ADMISSION AND FURTHER ORDERS ON IA NO.4301/2016-STAY APPLICATION]
1.3	Linked CRR 599/2016	NATHURAM KUSHWAHA Versus THE STATE OF MADHYA PRADESH	ASHOK KUMAR CHOURASIA, SARITA CHOURASIA, ASHA NAGDEVE ADVOCATE GENERAL, SUNIL KUMAR MISHRA[R-2], RAHUL KUMAR TRIPATHI[R-2] CrPC - S. 397(401), IPC - S. 120(B)/467(120)(B)/468(120)(B)/471(120)(B)/409(120)(B)/420(120)(B), Prevention of Corruption Act - S. 13(1)(D)/13(2)(120)(B)/13(1)(B)/13(2)(120)(B), CRIMINAL LAW & PROCEDURE-12100 - Code of Criminal Procedure, 1973-12102 - REVISION AGAINST CHARGE/DISCHARGE CORRUPTION-12000 - Prevention of Corruption Act 1988-12002 - Prevention of Corruption Act 1988-12002 Relief - TO SET ASIDE THE IMPUGNED ORDER DT. 10/02/2016 {After Week/Month/Vacation} FOR ADMISSION AND FURTHER ORDERS ON STAY ORDERS DT.17/03/2016]

TOTAL CASES : 4 (with connected matters)

REG(J)/REG(IT)