

(2013) 07 SC CK 0013

In the Supreme Court Of India

Case No : Writ Petition (Criminal) No. 120 of 2012, W.P. (C) No"s. 429, 463, 498 and 515 of 2012 and W.P. (C) No. 283 of 2013

Manohar Lal Sharma

APPELLANT

Vs

The Principal Secretary and Others

RESPONDENT

Date of Decision : 17-07-2013

Acts Referred:

Delhi Special Police Establishment Act, 1946 — Section 6A
Prevention Of Corruption Act, 1988 — Section 7 , 11 , 13

Citation : (2013) 9 SCALE 293 : (2014) 3 SCC 166

Hon'ble Judges : R.M. Lodha, J;Madan B. Lokur, J;Kurian Joseph, J

Bench : Full Bench

Advocate : MoAmrendra Sharan

Final Decision : Dismissed

Judgement

Cr. M.P. No. 11883 of 2013 in W.P. (Crl.) No. 120/2012:

1. For the reasons stated in the application, the prayer made by the Central Bureau of Investigation (CBI) to remove Mr. Vivek Dutt from the list of 33 officers associated with the inquiry and investigation into the matters relating to allocation of coal blocks is granted. CBI may act accordingly.

2. Criminal Miscellaneous Petition No. 11883 of 2013 stands disposed of.

Criminal Miscellaneous Petition No. 14092 of 2013 in W.P. (Crl.) No. 120/2012:

3. By this application made by the CBI, modification of direction No. 2 of the order dated 8.5.2013 passed by this Court is sought and it is prayed that composition of the investigation team may be allowed to be changed.

4. Having regard to the nature of the investigation in 3 preliminary enquiries namely; PE2, PE4 and PE5 and 13 regular cases being RC8, RC9, RC10, RC11, RC15, RC16, RC6, RC7, RC12, RC13, RC14, RC2 and RC3 and further preliminary enquiries and regular cases that may be registered in future, we are satisfied

that direction No. 2 of the order dated 8.5.2013 may be modified. Although, in paragraph 11 of the application, it is stated that if change in the composition of investigation team is allowed, proposed changes will make composition of team as 3 DIGs, 4 SPs, 2 ASPs, 2 DSPs, 21 Inspectors and 2 Sub-Inspectors but in the "Note on Administrative Issues and details of proposed changes in the enquiry/investigation team", the list of officers proposed in inquiry/investigation team placed as Annexure 3 at page 15 (for short "Annexure 3") comprises of 36 officers and, accordingly, composition of investigation team will be 3 DIGs, 4 SPs, 2 ASPs, 3 DiSPs (instead of 2 DSPs), 20 Inspectors, 2 Sub-Inspectors, 1 Advisor - Banking and 1 Advisor - Banking and Foreign Trade.

5. We approve the list of officers (Annexure 3). We record and accept the statement of Mr. Amrendra Sharan, learned senior counsel for the CBI that inquiry/investigation pertaining to PE2 and RCs arising therefrom (allocation of 85 blocks between 2006 to 2009) shall be continued to be dealt with by Mr. Ravi Kant, DIG. We record and accept his statement inquiry/investigation into PE4 and RCs arising therefrom (allocation of 45 blocks between 1993 to 2005) which have been partly dealt with by Mr. Amit Kumar, DIG shall now be dealt with by Mr. Amit Kumar, DIG. We also record and accept the statement of Mr. Amrendra Sharan that Mr. V. Murugesan, DIG shall inquire and investigate into PE5 and RCs arising therefrom (allocation of 100 blocks relating to government dispensation).

6. Mr. Amrendra Sharan, learned senior counsel submits that administrative orders shall be issued by the Director, CBI to the above effect within three days. His statement is accepted.

7. In case, exceptional circumstances arise and it becomes necessary to disassociate a member from the list (Annexure-3), it will be open to the Director to do so. However, reasons for disassociation shall be intimated to this Court in a sealed cover without any delay.

8. Direction No. 2 of the order dated 8.5.2013 stands modified accordingly.

9. CrI. M.P. No. 14092 of 2013 stands disposed of accordingly.

Writ Petition No. 120/2012 and connected matters:

10. In our order dated 10.07.2013, we had raised two queries to the learned Attorney General. In response thereto, written submissions have been filed on behalf of the Union of India. However, the arguments with regard to these queries remained inconclusive.

11. For further arguments on the above two queries, list the matter on 6.8.2013 at 2 P.M. On that day, learned Attorney General shall also inform this Court about the view of the Central Government to the response of CBI to the amendments proposed in the Delhi Special Police Establishment Act, 1946. CrI. M.P. No. 14091 of 2013 filed by the CBI being interlinked with the two queries made to the learned Attorney General shall also be considered on that date. It is further

observed that Writ Petitions concerning legality and validity of allocation of coal blocks shall be heard on 10.9.2013 at 10.30 A.M.