
(2013) 10 SC CK 0036

In the Supreme Court Of India

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

Manohar Lal Sharma

APPELLANT

Vs

The Principal Secretary and Others

RESPONDENT

Date of Decision : 29-10-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173

Citation : (2013) 14 SCALE 381 : (2014) 3 SCC 170

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

Bench : Full Bench

Advocate : Prashant Bhushan, Amrendra Sharan, Mohan Parasaran

Final Decision : Allowed

Judgement

Crl.M.P. No. 22887 of 2013:

1. By this petition, Central Bureau of Investigation (CBI) has prayed that one more Investigating Officer (IO) be permitted to be added to the existing team of 39 officers. The reasons for proposed addition are set-out in paragraphs 3 & 4 of the Note on Administrative Issues. Having regard to those reasons, we are satisfied that one IO, whose curriculum vitae has been annexed, may be added to the present team of Investigating Officers.

2. Crl. M.P. No. 22887 of 2013 is granted in terms of Clause (a) thereof.

Crl.M.P. No. 22414 of 2013:

3. Heard Mr. Manohar Lal Sharma, Petitioner-in-person.

4. Crl. M.P. No. 22414 of 2013 is rejected. W.P. (Crl.) Nos. 120 and W.P. (C) No. 463 of 2012:

Order dated October 29, 2013 in W.P. (Crl) No. 120 of 2012 with W.P. (C) No. 463 of 2012, W.P. (C) No. 515 of 2012, W.P. (C) No. 283 of 2013.

5. With regard to the non-statutory changes in the administrative arrangements, particularly (one) Director, CBI be vested with ex-officio powers of Secretary of the Government of India reporting directly to the Minister, Department of Personnel and Training and (two) power to appoint Special Counsels/Retainer Counsels for CBI, on 10.9.2013, Mr. Goolam E. Vahanvati, learned Attorney General sought time to seek instructions.

6. Today Mr. Mohan Parasaran, learned Solicitor General submits that the Central Government is opposed to the above changes. He prays for time to submit objections in writing. He may do so within two weeks.

7. In pursuance of the order dated 26.9.2013, notices were issued to the States of Jharkhand, Chhattisgarh, Odisha, Maharashtra, Andhra Pradesh, Madhya Pradesh and West Bengal.

8. All the 7 States are now represented. 4 States namely; Jharkhand, Chhattisgarh, Odisha and West Bengal have filed their affidavits. On behalf of Maharashtra and Madhya Pradesh, it is submitted that the affidavits are ready and the same will be filed by tomorrow. They may do so by tomorrow.

9. On behalf of the State of Andhra Pradesh, Mr. D. Mahesh Babu, Learned Counsel prays for time for filing affidavit.

10. Same may be done within one week.

11. Mr. Manohar Lal Sharma, Petitioner-in-person in W.P. (Crl.) No. 120 of 2012 and Mr. Mohan Parasaran, learned Solicitor General submit that in respect of the affidavits filed by the States certain points need clarification by them. The Petitioner Mr. Manohar Lal Sharma and Union of India may file their brief affidavits on certain specific points within three weeks.

12. Reply to Crl. M.P. No. 4731 of 2013 may also be filed by the contesting Respondents within three weeks.

13. List this group of matters on 26.11.2013 at 2 P.M.

14. Status-reports pertaining to 3 preliminary enquiries in respect of allocation of coal blocks; 2 preliminary enquiries pertaining to missing documents and 14 regular cases have been filed by the CBI in compliance of the order dated 29.8.2013.

15. By the order of 8.5.2013, the Director, CBI was directed to ensure that secrecy of the enquiries and investigations into allocation of coal blocks is maintained and no access of any nature whatsoever in this regard is provided to any person or authority, including any Minister of the Central Cabinet; Law Officers, Advocate(s) of CBI, Director of Prosecution and Officials/officers of the Central Government.

16. The above order was issued in light of the submissions which were made by the learned Attorney General and Mr. U.U. Lalit, the then counsel for the CBI and

having regard to the peculiarities of the case.

17. The above directions insofar as stage upto Final Report-I is concerned were reiterated in the subsequent order of 29.8.2013.

18. The status reports filed on 20.10.2013 setting out status of enquiries and investigations as on 18.10.2013 run into 182 pages. Having gone through the status-reports, we are of the view that for preparation of status reports, CBI may be permitted to have some legal assistance.

19. Mr. Manohar Lal Sharma, Petitioner-in-person in W.P. (Crl.) No. 120 of 2012, Mr. Prashant Bhushan, Learned Counsel for the Petitioners in W.P. (C) No. 463 of 2012, Mr. Mohan Parasaran, learned Solicitor General and Mr. Amrendra Sharan, learned senior counsel for the CBI are agreeable that in modification of the orders dated 8.5.2013 and 29.8.2013, two in-house prosecutors and one special counsel referred to in the order dated 29.8.2013, who were permitted to be consulted for framing of the Final Report-II u/s 173 Code of Criminal Procedure. may be permitted to be consulted for the purposes of preparation of status-reports and their submission before this Court.

20. In partial modification of the earlier orders dated 8.5.2013 and 29.8.2013, we order accordingly.

21. CBI shall submit further report in respect of the status regarding enquiries/ investigation up to 31.12.2013 by 9.1.2014. For consideration of the further status-reports, list these matters on 15.1.2014 at 2 P.M.