
(1998) 08 SC CK 0042

In the Supreme Court Of India

Case No : S.L.P. (Criminal) No. 3290 of 1997 and S.L.P. N. 671 of 1997/S.L.P. (Criminal) 3290 of 1997

Selvi J. Jayalalitha

APPELLANT

Vs

R. Sai Bharathi
State represented by the Additional
S.P., C.B., C.I.D. Vs Jayalalitha

RESPONDENT

Date of Decision : 21-08-1998

Acts Referred:

Penal Code, 1860 (IPC) — Section 169

Prevention of Corruption Act, 1988 — Section 13(1), 13(2), 19

Citation : (1998) 2 LW(Cri) 659

Hon'ble Judges : Syed Shah Mohammed Quadri, J;M.K. Mukherjee, J

Bench : Division Bench

Advocate : D.D. Gupta, K.V. Venkataraman and K.V. Vishwanathan, in S.L.P. 3290/97 and F.S. Nariman, V.G. Pragasam and R. Shunmughasundram, in SLP 671/98, for the Appellant; D.D. Gupta K.V. Venkataraman and K.V. Vishwanathan, in S.L.P. 3290/97 and V. Krishnamurthy in SLP. 3290/97, for the Respondent

Final Decision : Allowed

Judgement

1. On a charge sheet filed by me police against the respondent and others under S.13(2) read with S.13(1) of the Prevention of Corruption Act, 1988 and other cognate offences under the Indian Penal Code the Special Judge took cognizance and issued processes against them. After entering appearance, the respondent filed an application stating that in respect of one of the above offences (under S. 169 I.P.C.) a private complaint had been filed against her and that in respect of quashing the same a SLP was pending hearing before the Supreme Court (S.L.P. (Crl.) No. 3290/97) and accordingly prayed that the proceeding of the police case be postponed till that petition was disposed of. The special Judge rejected that application and aggrieved thereby, the respondent moved the High Court. The High Court allowed that application by the impugned order (1998 2 L.W. (Crl.) 541) ; and while so doing interpreted the provisions of S.19 of the Prevention of

Corruption Act, which relates to stay of proceedings of cases under the said Act. The above order of the High Court is under challenge in this petition.

2. In the context of the nature of prayer made in me I.A. by the respondent before us, we are of the opinion, the interpretation of S.19 of the above Act has become redundant, since the other petition namely SLP (Crl.) No. 3290/97 has now been disposed of by our earlier order and the High Court's direction postponing the proceedings cannot stand any more; we set aside the same. All questions of law raised before the High Court are kept open. The Special Judge is directed to now proceed with the case in accordance with law.

3. The Special Leave Petitions and the I.As. are disposed of accordingly.