
(1999) 04 SC CK 0043

In the Supreme Court Of India

Case No : Criminal Appeal No. 289 of 1994

State of Karnataka

APPELLANT

Vs

Sir Janakusa Jeevansa Bakale and Another

RESPONDENT

Date of Decision : 22-04-1999

Acts Referred:

Customs Act, 1962 — Section 135B)(2)
Gold (Control) Act, 1968 — Section 85

Citation : (1999) 66 ECC 580 : (1999) 113 ELT 375 : (1999) 10 JT 246 : (1999) 5 SCC 650

Hon'ble Judges : N. Santosh Hedge, J;M. Srinivasan, J;G. B. Pattanaik, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

G.B. Pattanaik, M. Srinivasan and N. Santosh Hegde, JJ.—By the impugned judgment the High Court of Karnataka in exercise of power u/s 482 of the CrPCs has quashed a criminal proceeding initiated for commission of offence u/s 135(B) (2) of the Customs Act read with Section 85 of the Gold Control Act. The High Court was of the opinion that the gold in question having been confiscated in a proceeding under Chapter XIV of the Customs Act the accused need not be penalised again by being pursued for commission of offence u/s 135. This view of the High Court on the face of it is erroneous inasmuch as a confiscation proceeding under Chapter XIV of the Act has got nothing to do with the criminal prosecution under Chapter XVI of the Act. We, therefore, find sufficient substance in the argument of Mr. Veerappa, the learned Counsel appearing for the State that the High Court committed error in quashing the criminal proceeding on an erroneous view of the law. But at the same time, we do not think any fruitful purpose will be served by interfering with the said order of the High Court and directing the prosecution to go on after lapse of 18 years. We, therefore, decline to interfere with the impugned order of the High Court. The appeal is accordingly dismissed.