

2009 SCC 16 429 . 2010 SCC CRI 3 315 .

Central Bureau Of Investigation v. Mukesh Pravinchandra Shroff And Others

Supreme Court Of India (29 Nov, 2005)

CASE NO.

(Record of Proceedings),Criminal Appeals Nos. 648-50 of 2004, decided on November 29, 2005

ADVOCATES

JUDGES

B.N Agrawal

A.K Mathur, JJ.

Summary

1. The Special Court was not justified in discharging the aforesaid accused persons.

JUDGMENT

Order

1. Heard learned counsel for the parties.
2. By the impugned order, the Special Court has discharged the accused Raghunath Lekhraj Wadhwa, Jitendra Ratilal Shroff and Mukesh Pravinchandra Shroff from Special Case No. 4 of 1997. From a bare perusal of the impugned order, it would appear that the Special Court has virtually passed an order of acquittal in the garb of an order of discharge. It is well settled that at the stage of framing of the charge, what is required to be seen is as to whether there are sufficient grounds to proceed against the accused. In our view, the Special Court was not justified in discharging the aforesaid accused persons.

3. Accordingly, the appeals are allowed and the impugned order of discharge is set aside. Now the Special Court shall proceed further with the case. It is needless to say that this order shall not in any manner prejudice the case of the respondents during the trial.