ITEM NO.45 COURT NO.6 SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.2671/2021

[Arising out of impugned final judgment and order dated 25-01-2021 in CRLR No. 314/2016 passed by the High Court of Uttarakhand at Nainital]

RAM SAGAR **Petitioner(s)**

VERSUS

CENTRAL BUREAU OF INVESTIGATION **Respondent(s)**

(FOR ADMISSION and I.R.)

WITH
SLP(Crl) No. 2729/2021 (II-B)
(FOR ADMISSION and I.R.)

Date : 09-09-2025 These petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) :
Mr. K. Parameshwar, Sr. Adv.
Mr. Kaushik Kumar Dey, Adv.
Mr. Amit Singh, Adv.
Ms. Shilpi Dey Aditya, Adv.
Ms. Sania Sharfuddin, Adv.
Ms. Shehla Chaudhary, Adv.
Mr. Md. Anas Chaudhary, Adv.
Mr. Mohd. Sharyab Ali, Adv.
Mr. Ansar Ahmad Chaudhary, AOR
Ms. Kavya Dixit, Adv.

For Respondent(s) :
Ms. Shagun Thakur, Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Shlok Chandra, Adv.
Mr. Udai Khanna, Adv.
Mr. T.s. Sabarish, Adv.
Mr. Sachin Sharma, Adv.
Mrs. Rita Gupta, Adv.

Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. These petitions arise from the common Judgment and Order passed by the High Court of Uttarakhand at Nainital dated 25-1-2021 in Criminal Revision No.313/2016 and Criminal Revision No.314/2016 respectively, by which the two Revision Applications filed by the petitioner – herein came to be rejected.

2. It appears from the materials on record that the petitioner has been put to trial for the offence punishable under Sections 120B, 409, 477A and 420 of the Indian Penal Code (for short, "the IPC") and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 respectively (for, short "PC Act, 1988").

3. In Para 11 of the impugned order passed by the High Court, the following has been observed:-

> **"11) Learned counsel for the revisionist would argue that so far the offence punishable under Section 13(2) r /w Section 13(1)(d) of the Prevention of Corruption Act, 1988 is concerned; the revisionist is not challenging that part of the charge. However, learned counsel for the revisionist would submit that since the prosecution did not obtain the sanction from the department to prosecute the revisionist in resped of offences punishable under the Penal Code, as required under Section 197 of Cr.P.C., thus the trial cannot proceed in respect of charges under IPC."**

4. We heard Mr. K. Parameshwar, the learned Senior counsel appearing for the petitioner and Ms. Shagun Thakur, the learned counsel appearing for the Central Bureau of Investigation.

5. The stance of the petitioner before the High Court was that he had nothing to say in so far as framing of charge under the provisions of P.C. Act, 1988 is concerned. However, according to him, charge could not have been framed for the offences punishable under the IPC for want of Sanction under Section 197 of the Code of Criminal Procedure, 1973 (for short, "the CrPC").

6. Mr. K. Parameshwar, the learned Senior counsel appearing for the petitioner invited our attention to the order passed by this Court, by which this Court remanded the matter to the High Court to

look into the other materials on record and ascertain whether the material in the charge-sheet was sufficient enough for framing of charge.

7. We are of the view that the issue of sanction under Section 197 CrPC can be taken up before the Trial Court at any stage of the proceedings. It would all depend on the nature of the evidence that the prosecution may lead in the course of the trial.

8. We need not interfere with the common impugned order passed by the High Court at this stage.

9. At the same time, it shall be open for the petitioner to apply with the trial court under Sections 205 and 317 of Cr.PC respectively (Sections 228 and 355 of the Bharatiya Nagrik Suraksha Sanhita, 2023) seeking exemption from personal attendance before the Trial Court.

10. With the aforesaid, the Special Leave Petitions stand disposed of.

11. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)