

JUDICIAL DECISIONS ON ECONOMIC OFFENCES IN RECENT YEARS

SUBMITTED BY:

Aashna Kumari,

BBA LLB,

9th Semester

LEGISLATION

A table listing various economic offences, the relevant legislations and concerned enforcement authorities is given below.

SL.NO.	Economic crimes	Acts of Legislation	Enforcement Authorities
1.	Tax Evasion	Income Tax Act	Central Board of Direct Taxes
2.	Illicit Trafficking in Contraband Goods (Smuggling)	Customs Act 1962 COFEPOSA, 1974	Collectors of Customs
3.	Evasion of Excise Duty	Central Excise and Salt Act, 1944	Collectors of Central Excise
4.	Cultural Object's Theft	Antiquity and Art Treasures Act, 1972	Police/CBI/CID
5.	Money Laundering	Foreign Exchange Regulations Act, 1973	Directorate of Enforcement
6.	Foreign Contribution Manipulations	Foreign Contribution (Regulation) Act, 1976	Police/CBI/CID
7.	Land Hijacking/Real Estate Fraud	IPC	Police/CBI/CID
8.	Trade in Human Body parts	Transplantation of Human Organs	Police/CBI/CID
9.	Illicit Drug Trafficking	Narcotics Drugs and Psychotropic Substances Act 1985 & NDPS Act, 1988	NCB /Police/CBI/CID
10.	Fraudulent Bankruptcy	Banking Regulation Act, 1949	CBI/CID
11.	Corruption and Bribery of Public	Prevention of	State/Anti Corruption

	Servants	Corruption Act, 1988	Bureaux/Vigilance Bureaux/CBI
12.	Bank Fraud	IPC	Police/CBI/CID
13.	Insurance Fraud	IPC	Police/CBI/CID
14.	Racketeering in Employment	IPC	Police/CBI/CID
15.	Illegal Foreign Trade	Import & Export (Control) Act, 1947	Directorate General of Foreign Trade/CBI
16.	Racketeering in False Travel Documents	Passport Act, 1920/IPC	Police/CBI/CID
17.	Credit Card Fraud	IPC	Police/CBI/CID
18.	Terrorists Activities	POTA-2002	Police/CBI/CID
19.	Illicit Trafficking in Arms	Arms Act, 1959	Police/CBI/CID
20	Illicit Trafficking in Explosives	Explosives Act, 1884 &Explosive Substance Act, 1908	Police/CBI/CID
21.	Theft of Intellectual Property	Copyright Act, 1957 (Amendments 1984 & 1994)	Police/CBI/CID
22.	Computer Crime/Cyber Law	Copyright Act, 1957/I.T. Act 2000	Police/CBI/CID
23.	Stock Market Manipulations	IPC	Police/CBI/CID
24.	Company Fraud (Contraband)	Companies Act, 1956/IPC MRTP Act, 1968	Police/CBI/CID
25.	Bribe and corruption	Prevention of Corruption Act, 1988	Police/CBI/CID

PREVENTION OF CORRUPTION ACT,1988

An Act to provide for the establishment of a Directorate on Corruption and Economic Crime; to make provision for the prevention of corruption and confer power on the Directorate to investigate suspected cases of corruption and economic crime and matters connected or incidental thereto.

- The Act covers the offence of giving a bribe to a public servant under abetment. The Bill makes specific provisions related to giving a bribe to a public servant, and giving a bribe by a commercial organisation.
- The Act redefines criminal misconduct to only cover misappropriation of property and possession of disproportionate assets.
- The Act modifies the definitions and penalties for offences related to taking a bribe, being a habitual offender and abetting an offence.
- Powers and procedures for the attachment and forfeiture of property of public servants accused of corruption have been introduced in the Act.
- The Act requires prior sanction to prosecute serving public officials. The Act extends this protection to former officials.

OFFENCES UNDER PREVENTION OF CORRUPTION ACT, 1988

SECTION	DESCRIPTION OF OFFENCES
7	Public servant taking gratification other than legal remuneration in respect of an official act.
8	Taking gratification in order, by corrupt or illegal means to influence public servant.
9	Taking gratification for exercise of personal influence with public servant.

10	Abetment by public servant of offences defined in section 8 pr section 9 of the Prevention of Corruption Act, 1988.
----	---

RELATED CASES :-

NAME OF THE CASE	SEC.	BENCH	ISSUE	DECISION
All India Council For Technical Education Vs. Rakesh Sachan and Anr	13(1), 13(2)	H.L. Dattu and Ranjan Gogoi.	The appellant appealed before the SC for the reason that Whether Appellant AICTE had locus to object to application filed by Respondent under Section 320 of Code for compounding of offence under Section 420 of Indian Penal Code.	The appeal is allowed. SC held that the CBI has initiated the proceedings suo moto. It is clearly mentioned in the Final Report and the charge sheet filed by them, that the Respondent No. 1 with the assistance of known officials of AICTE had produced forged and fraudulent documents to obtain recognition of the aforementioned institution from AICTE, and, thereby cheated the AICTE.
Allahabad Bank and Anr. Vs. Deepak Kumar Bholia 1997 3 AWC(Supp) 1429SC	5(1), 5(2)	J.S. Verma and B.N. Kirpal	The appellant Allahabad Bank and Anr, appealed before the SC, This is an appeal from the judgment of the Allahabad High Court which had allowed the writ petition filed by the respondent and quashed an order of suspension which had been passed pending prosecution launched against him.	SC set-aside the appeal , the impugned judgment of the Allahabad High Court and dismiss the Writ Petition which has been filed by the respondent. SC held that, the High Court was not justified in quashing the orders for suspension and said that If an employee is charged with an offence, then it cannot be a ground for suspension.

<p>Anil Kumar and Ors. Vs. M.K. Aiyappa and Anr 2013X AD (S.C.) 386</p>	<p>19</p>	<p>K.S. Panicker Radhakrishnan and Arjan Kumar Sikri</p>	<p>The appellant appealed before the SC for the reason that whether the special judge have the jurisdiction to give the decision on the case under sec.19 of the prevention of corruption Act.</p>	<p>The appeals lack merit and are accordingly dismissed.</p> <p>SC held that the law on the issue of sanction can be summarized to the effect that the question of sanction is of paramount importance for protecting a public servant who has acted in good faith while performing his duty. In order that the public servant may not be unnecessarily harassed on a complaint of an unscrupulous person, it is obligatory on the part of the executive authority to protect him if the law requires sanction, and the court proceeds against a public servant without sanction, the public servant has a right to raise the issue of jurisdiction as the entire action may be rendered void ab-initio.</p> <p>Hence the SC held that the principles laid down by this Court in the above referred judgments squarely apply to the facts of the present case., therefore, find no error in the order passed by the High Court.</p>
<p>Ashok Mehta and Anr. Vs. Ram Ashray</p>	<p>13(1), 13(2)</p>	<p>B.N. Agrawal and H.K. Sema</p>	<p>The appellant appealed before the SC for the reason that whether the cognizance can be</p>	<p>the appeal is allowed.</p> <p>SC held that the reasoning of the High Court was not</p>

Singh and Ors (2004)13SC C705			taken on the complaint filed for the prosecution of appellant.	only fallacious, but wholly unknown to law and it was not at all justified in interfering with the order passed by the trial Court. Hence, the impugned order passed by the High Court is set aside and that rendered by the trial Court is restored.
Asstt. Commissioner Vs. Velliappa Textiles Ltd [2003]132T AXMAN16 5(SC)	19	G.P. Mathur,	The appellants in this case has appealed before the SC for the question of grant of Sanction u/s 19 of the act.	The appeal is allowed. SC held that the grant of sanction is only an administrative function, though it is true that the accused may be saddled with the liability to be prosecuted in a court of law. What is material at that time is that the necessary facts collected during investigation constituting the offence have to be placed before the sanctioning authority and it has to consider the material prima facie, the authority is required to reach the satisfaction that the relevant facts would constitute the offence and then either grant or refuse to grant sanction. The grant of sanction, therefore being administrative act the need to provide an opportunity of hearing to the accused before according sanction does not arise. The High Court, therefore, was clearly in error in holding that the

				order of sanction is vitiated by violation of the principles of natural justice.
Avinash Sadashiv Bhosale (D) Thr. L.Rs.. Vs. Union of India (UOI) and Ors 2012(3)SLJ 392(SC)	5(1)	S.S. Nijjar and H.L. Gokhale,	The appellant has appealed before the SC for the reason that whether his act will be considered punishable u/s 5(1) of the prevention of corruption act.	The SC find no merit in this appeal and the same is hereby dismissed. SC held that The Disciplinary Authority had taken into consideration all the relevant material and only then concluded that the charges have been duly proved against the appellant. Furthermore, it is a matter of record that the appellant was duly supplied a copy of the Inquiry Report and he had submitted detailed objections to the same. These objections were placed before the Disciplinary Authority together with the Inquiry Report. Therefore, the appellant can not possibly claim that there has been a breach of rule of natural justice.
Ayyasami Vs. State of Tamil Nadu AIR1992SC 644	5	Kuldip Singh and R.M. Sahai,	The appellant appealed before the SC because the Guilt of Appellant had not been proved beyond reasonable doubt in the HC, hence he made an appeal before the SC.	The appeal succeeds and is allowed. The conviction and sentence passed against the appellant is set aside. His bail bonds are discharged. SC held that the guilt of the appellant has not been proved beyond reasonable doubt and as such the benefit must go to him.

Manish	2(c)(i)	Chandramauli	The appellant is	The case was dismissed
--------	---------	--------------	------------------	------------------------

<p>Trivedi v.State of Rajasthan AIR 2014 SC 648</p>		<p>Kr. Prasad.</p>	<p>Manish trivedi, The case revolved on the definition of public servant and thus,the case was appealed before SC.</p>	<p>accordingly. SC observed that The word ‘office’ is of indefinite connotation and would mean a position or place to which certain duties are attached and has a existence which is independent of the person who fill it. Councilors and members of the Board are positions which exist under the Rajasthan Municipalities Act. Therefore, the court held that it is independent of the person who fills it. They perform various duties which are in the field of public duty. The appellant who is a councilor and also a member of the Municipal Board is therefore a public servant within S. 2(c) of Act.</p>
<p>C.B.I. v. Ashok Kumar Aggarwal AIR 2014 SC 827</p>	<p>19</p>	<p>Dr. BS. Chauhan, J</p>	<p>The appellant is kumar aggarwar, The case was based on sanction to prosecute. Thus the case was appealed before SC</p>	<p>The case was dismissed accordingly. SC observed that the Sanction lifts the bar for prosecution. Therefore it is not an acrimonious exercise but a solemn and sacrosanct act which affords protection to Government servant under frivolous prosecution. Further, It is</p>

				<p>a weapon to discourage vexatious prosecution, and is a safeguard for the innocent, though not a shield for the guilty. There is an obligation on the sanctioning authority to discharge its duty to give or withhold sanction only after having full knowledge of the material facts of the case. The prosecution must therefore send the entire relevant record to the sanctioning authority including the FIR, disclosure statements, and statements of witnesses, recovery memos; draft charge-sheet and all other relevant material. Therefore, the court held that The power to grant sanctions is to be exercised strictly keeping in mind the public interest and the protection available to the accused against</p>
--	--	--	--	---

				whom the sanction is sought. The order of sanction is granted in accordance with law.
Y.S Jagan Mohan Reddy v. Central Bureau of Investigation AIR 2014 SC 1933	13	P. Sathasivam, M.Y. Eqbal	The appellant-Y.S. Jagan Mohan Reddy was named as an accused, HC rejected the bail hence, he appealed before the SC.	<p>The case was dismissed, rejecting the bail petition.</p> <p>The Supreme Court held that economic offences constitute a class apart and need to be visited with a different approach in the matter of a bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing a serious threat to the financial health of the country. While granting bail, the Court has to keep in mind the nature of the accusations, the nature of evidence in support thereof the</p>

				severity of the punishment which conviction will entail, the character of the accused, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.
State of West Bengal v. Kailash Chandra Pandey AIR 2005 SC 119.	7	D.M.Dharmadhikari, A.K. Mathur.	The appellant is Kailash Chandra Pandey, In this case the appeal is directed to the SC against the order passed by the High Court of Calcutta passed whereby learned Single Judge has reversed the conviction of the accused-respondent, passed by the Additional District & Sessions Judge and Special Judge.	The Phenolphthalein test was conducted, thereafter the Supreme Court reversed the order passed by the High Court and affirmed the conviction and sentence passed by the trial court. The accused-respondent is on bail, his bail bonds have been cancelled and he is directed to surrender to serve out the sentence
State v. K. Narasimchary AIR 2006 SC 628	7, 13(1)(d)	Sri. C.H. Jadhav	The appellant in the case in K.Narasimchary, appealed before the SC against the order of the HC.	SC do not interfere with the impugned judgment of the HC. The appeal is dismissed accordingly. SC with regards to the facts and circumstances of the case, SC are of the opinion that two views are possible and the view of

				HC cannot be said to be wholly improbable; it cannot be said, in view of the discussions made hereinbefore, that the materials brought on records would lead to only one conclusion, i.e, the guilt of the accused. The impugned judgment, therefore, is sustained.
The State v. A. Parthiban AIR 2007 SC 51	7, 13(2)(1)(d)	Sathasivam, M.Y. Eqbal	The appellant A. Parthiban, appealed before the SC against the order of the HC, the HC committed a grave error in law extending the benefit of probation even under the code.	The appeal is accordingly allowed The court held that , the learned Single Judge in the High Court committed a grave error in law extending the benefit of probation even under the Code. The sentences of imprisonment shall be six months under Section 7 and one year under Section 13(2) of the Act, both the sentences to run currently. So far as the levy of fine in additional made by the learned Trial Judge with a default clause on two separate counts are concerned, they small unaffected and hereby confirmed..
Naresh Kumar Madan V. State of M.P, AIR 2008 SC 385	2(1)(c)	S.B. Sinha, Markandey Katju	The appellant is Naresh kumar Madan who appealed before the SC on the question of who can be considered as public servant under the act.	SC finds no merits in this appeal, which is accordingly dismissed. SC observed that the definition of 'Public Servant' will have to be construed having regard to the provisions of the

				1988 Act. By giving effect to the definition of 'Public Servant' in the 1988 Act, the legal fiction is not being extended beyond the purpose for which it was created or beyond the language of the section in which it was created
--	--	--	--	---

State of Punjab V. Karnail Singh, AIR 2009 SC 372	2(ix)	DR. Arijit payasat & J.M. Panchal.	The appellant in the case is Karnail singh, he appealed before the SC on facts it cannot be said that he falls within definition of "Public Servant" however, HC failed to analyze factual position.	The appeal is allowed accordingly. The SC said that the Effect of affidavit filed by Managing Director of Bank also was not considered. HC was required to consider relevance of provisions of Punjab Co-operative Agricultural Development Banks Act, 1957. thus the finding of HC thus set aside and matter remitted for fresh consideration. SC in this case set aside the impugned order of the HC and remit the matter to it for fresh consideration.
Mota Ram V. State of Haryana, AIR 2010 SC 3780	5	DR. Mukumdakam Sharma & DR. B.S Chauhan	Mota ram is a appellant, appealed before the SC against the order of HC, the HC awarded conviction to the accused.	The appeal lacks merit and is, accordingly, dismissed. The SC in this case said that so far as the issue of sentence is concerned, in view of the provisions of Section 5(2) of the Act, the minimum sentence a court could award is one

				<p>year and it may extend to 7 yrs and a fine can also be imposed. None of the grounds submitted by learned counsel for the appellant that it was a very old case; appellant had refunded the amount taken by him from the complainant; the complainant himself had seen abettor and could have been a co-accused for an offence punishable under Section 109 IPC, can be the mitigating circumstance for which the court may reduce the sentence taking into consideration the proviso to Section 5(2) of the Act. As the courts below have awarded the minimum sentence prescribed under the Act, the facts of the case do not warrant any interference with the quantum of sentence also</p>
<p>Kunga Nima Lepcha & Ors. V. State of Sikkim & Ors. AIR 2010 SC 1671</p>	13	<p>K.G. Balakrishnan, P. Sathasivam, J.M. Panchal</p>	<p>The appellant is Kunga Nima, The relief sought by the appellant is the issuance of a writ of mandamus directing the Central Bureau of Investigation (CBI) to investigate the allegations that have been levelled against him. Thus, he appealed before the SC.</p>	<p>The writ petition is dismissed, however with no order as to costs.</p> <p>In this case the court said that the onus of launching investigation is on investigation agencies such as State Police, Central Bureau of Investigation (CBI) or Central Vigilance Commission (CVC) among others. It is not proper for Supreme Court to give directions for initiating such investigation under its</p>

				<p>writ jurisdiction. It is only on the exhaustion of ordinary remedies that perhaps a proceeding can be brought before a writ court and in any case the High Court of Sikkim would be far more appropriate forum for examining the allegations made in present petition.</p>
<p>R. Venkatakrishnan v. Central Bureau of Investigation AIR 2010 SC 1812</p>	<p>19, 13(1)(d)(i) ii)</p>	<p>S.B. Sinha, Cyriac Joseph</p>	<p>In this case the appellant is R. Venkatakrishnan, who appealed before the SC on a plea that Fact till framing of Regulations, NHB, it adopted Service Regulations governing employees of Reserve Bank Of India and not appropriate authority of NHB- Chairman-cum-Managing director of NHB being its highest executive authority, conferred with powers in terms of Regulations or of Directors, would be appointing authority.</p>	<p>The accused held guilty of criminal misconduct under S. 13(1)(d)(iii) and Sentence imposed on accused persons.</p> <p>In this case court held that as per S. 13(1)(d)(iii) bank employees played specific role in diversion of funds from Bank to account of broker dealing in securities and All ostensibly under a call money transaction therefore, They thereby was immeasurable through diverted funds subsequently returned to Bank</p>
<p>Munilal Mochi v. State of Bihar AIR 2011 SC 3025</p>	<p>5(3)</p>	<p>P. Satasivam & DR. B.S. Chauhan.</p>	<p>The appellant is Munilal mocha who had reeled under threat of being convicted and sentenced for all</p>	<p>The appeal is allowed in part to the extent mentioned</p> <p>The Supreme Court confirmed the conviction</p>

			<p>these 21 years. Appellant retired from service even before conviction and his appeal was kept pending in High Court for nearly 6 years .Taking note of his present age, namely 71 years and that he had undergone 6 months imprisonment, in ends of justice sentence modified to period of 6 months imprisonment already undergone. Thus, appealed before the SC.</p>	<p>imposed on the appellant and having adverted to special circumstances in the case, the impugned order of High Court is modified i.e the period of imprisonment namely, 6 months undergone in prison as substantive sentence</p>
<p>C.M Sharma v. State of A.P.TH. I.P AIR 2011 SC 608</p>	<p>7, 13(1)(d)(2)</p>	<p>Chandaramauli KR. Prasad.</p>	<p>The appellant is C.M Sharma, the plea of the appellant is that there were strained relationship between him and contractor and demand of bribe was improbable. However, evidence of contractor and evidence of contractor and shadow witness and inspector about trap laid and recovery of tainted currency under office table of appellant sufficient to discredit balance of improbability. Thus, he appealed</p>	<p>The appeal made was dismissed under the grounds of devoid of any substance or merit in the appeal made by the appellant</p> <p>The SC observed that Conviction for demanding bribe based on corroboration when necessary and Witness forced to pay a promise of doing or for bearing to do any official act by a public servant is not a partner in crime and associate in guilt Therefore, cannot be said to be accomplice as same was extorted from him, seeking corroboration in all circumstances of the evidence of a witness</p>

			before the SC.	forced to give bribe may lead to absurd result. In this case the court said that the Demand of illegal gratification is sine qua non to constitute offence under Act- Mere recovery of currency notes itself does not constitute offence under Act, unless it is proved beyond all reasonable doubt that the accused voluntarily accepted money knowing it to be bribe
Sanjay Chandra v. Central Bureau of Investigation AIR 2012 SC 830	13	G.S. Singhvi, H.L. Dattu	The appellant is G.S Singhvi, He appealed before the SC on the plea that there was tampering of witnesses.	The appeal was dismissed. The court held that no material placed to show that there is possibility of tampering of witnesses hence, Seriousness of charge it is not the only relevant consideration Inasmuch as other relevant factor to be taken note of is the punishment that could be imposed after trial and conviction, both under the IPC and Prevention of Corruption Act.
Dr. Subhramanian Swamy v. Dr. Manmohan Singh and Anr. AIR 2012 SC 1185	19	G. S. Singhvi, J.	The appellant is Dr. Subhramanian Swamy, he appealed before the SC that Whether a complaint can be filed by a citizen for prosecuting a public servant for an offence under the act.	Judgment of High Court is set aside, the appeal is allowed. The SC held that the extended period of time limit, if no decision is taken, sanction will be deemed to have been granted to the proposal for prosecution, and the prosecuting agency or the

				private complainant will proceed to file the charge sheet complaint in the court to commence prosecution within 15 days of the expiry of the aforementioned time limit
--	--	--	--	--

Essar Teleholdings Ltd. V Registrar General, Delhi High court and ors. AIR 2013 SC 2300	3(1), 4(3), 22	G.S. Singhvi & Sudhansu Jyoti Mukhopadhaya,	Essar Teleholdings Ltd. Is the appellant in the case , the appealed before the SC that the Nomination of Special Judge and the Jurisdiction of Special Court to take cognizance of offences punishable u/s 420/12B IPC as per second supplementary charge-sheet filed by CBI in the FIR for offences punishable under PC Act	<p>The SC passed the order under Art. 136 r/w Art. 142 of the Constitution, in the interest of holding a fair prosecution of the case</p> <p>the court held that apart from an offence punishable under the Act, any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified there under can also be tried by a Special Judge and From second charge-sheet it is clear that petitioners are co-accused in 2G Scam case .Thus, S. 220,Cr.P.C. will apply and the petitioners though accused of different offences i.e. u/s 420/ 120-B IPC alleged to have been committed in the course of 2G Spectrum transactions, u/s 223, Cr. P.C. they may be charged and can be tried together with the other co-accused of 2G Scam cases. In the question of nomination of Special Judge the court held that the State Government may appoint as many</p>
---	----------------	---	--	---

				<p>Special Judges as may be necessary and specified in the notification to try any offence punishable under the Act . In the instant case, as co-accused have been charged under the provisions of the PC Act, NCT of Delhi is well within its jurisdiction to issue Notification(s) appointing Special Judge(s) to try 2G Scam case(s) . In view of Arts. 233 and 234, it is well within the jurisdiction of High Court to nominate officer(s) of the rank of District Judge for appointment and posting as Special Judge(s) under sub-s. (1) of s. 3 ,Constitution of India, 1950 - Arts. 233 and 234.</p>
<p>Rupa Asbhok Hurra V. Ashok Hurra and ors.(2002) 4 SCC 388</p>	<p>3(1), 4(3)</p>	<p>Umesh C. Banerjee</p>	<p>Rupa asbhok is the appellant in the case, he appealed before the SC for the reason of the issue involved presently though not a concept within the ambit of doctrine of stare decisis but akin thereto to the effect as to the scope or finality of the decision of special Court in the normal course of events.</p>	<p>SC find no merit in this writ petition, and are accordingly dismissed. The special court is expected to proceed with the trial on day-to-day basis to ensure early disposal of the trial. there shall be no order as to costs.</p> <p>the court held that a final judgment or order passed by the court cannot be assailed in an application under Article 32 of the constitution by an aggrieved person, whether he was a party to the case or not. For the said reason</p>

				also, it is not open to the petitioner by this court in 2G scam case.
Soma Chakravarth y v State 2007 (5) SCC 403.	13(1)(d)	S.B. Sinha	The appellant in this case is Soma chakravarth, who appealed before the SC for the reason that the Charge may although be directed to be framed when there exists a strong suspicion but it is also trite that the court must come to a prima facie finding that there exists some materials.	<p>The case was dismissed accordingly.</p> <p>In this case the court primarily looked at the language employed and gives effect to it. One class of cases might arise where corrupt or illegal means are adopted or pursued by the public servant to gain for himself a pecuniary advantage. The word "obtains", on which much stress was laid does not eliminate the idea of acceptance of what is given or offered to be given, though it connotes also an element of effort on the part of the receiver. One may accept money that is offered, or solicit payment of a bribe, or extort the bribe by threat or coercion; in each case, he obtains a pecuniary advantage by abusing his position as a public servant. The word "obtains" is used in Sections 161 and 165 of the Penal Code. The other words "corrupt or illegal" means find place in Section 162. Apart from corrupt and illegal means, we have also the words or "by otherwise abusing his</p>

				<p>position as a public servant”. If a man obtains a pecuniary advantage by the abuse of his position, he will be guilty under sub-clause (d). Sections 161, 162 and 163 refer to a motive or a reward for doing or forbearing to do something, showing favor or disfavor to any person, or for inducing such conduct by the exercise of personal influence. It is not necessary for an offence under clause (d) to prove all this. It is enough if by abusing his position as a public servant a man obtains for himself any pecuniary advantage, entirely irrespective of motive or reward for showing favor or disfavor. To a certain extent the ingredients of the two offences are common, no doubt.</p>
<p>Tarlochan Dev Sharma v. State of Punjab, (2001) 6 SCC 260</p>	<p>5(1)(d)</p>	<p>Cji, R.C. Lahoti</p>	<p>The accused Tarlochan Dev Sharma is the appellant in the case, he appealed before the SC for the reason that the the words corrupt or illegal means, and the dishonesty implicit in the word abuse indicate the necessity for a dishonest intention on his part to bring him within the</p>	<p>The appeal is allowed. The judgement of the High Court under appeal is set aside.</p> <p>In this case the court held that an honest though erroneous exercise of power or indecision is not an abuse of power. A decision, action or instruction may be inconvenient or unpalatable to the person affected but it would not be an abuse of power. It must be such an abuse of</p>

			meaning of the clause.	power which would render a Councilor unworthy of holding the office of President
Kanwarjit Singh Kakkar v. State of Punjab And Anr [2011] 6 S.C.R. 895	7	Markandey Katju, Gyan Sudha Misra	The appellant in the case is Kanwarjit singh kakkar, he appealed before the SC for the reason that the demand receipt of fee while doing private practice by itself cannot be held to be an illegal gratification as the same obviously is the amount charged towards professional remuneration	The appeal is allowed. The SC held that no presumption can be drawn that it was accepted as motive or reward for doing or forbearing any official act so as to treat the receipt of professional fee as gratification much less illegal gratification. Even as per the case of the complainant/ informant, the act on the part of the appellants was contrary to the government circular and the circular itself had a rider in it which stated that the government doctor could do private practice also, provided he sought permission from the government in this regard. Thus, the conduct of the appellants who were alleged to have indulged in private practice while holding the office of government doctor and hence public servant at the most, could be proceeded with for departmental proceeding under the Service Rules but in so far as making out of an offence either under the Prevention of Corruption Act or under the IPC, would be difficult to sustain as examination of patients by doctor and thereby

				charging professional fee, by itself, would not be an offence. In that event, the said act clearly would fall within the ambit of misconduct to be dealt with under the Service Rules but would not constitute criminal offence under the Prevention of Corruption Act.
State of Maharashtra v. Dnyaneshwar Laxaman Rao Wankhede (2010) 2 SC C (Cri.) 385	7	S.B. Sinha, Cyriac Joseph	The appellant in this case is state, state appealed before the SC on the reason that the act of the respondent falls within the sec 7 of the act.	<p>SC held that there is no merit in this appeal, which is dismissed accordingly.</p> <p>SC in this case held that the demand of illegal gratification is a sine qua non for constitution of an offence under the provisions of the Prevention of Corruption Act, 1988. For arriving at the conclusion as to whether all the ingredients of an offence - demand, acceptance and recovery of the amount of illegal gratification have been satisfied or not, the court must take into consideration the facts and circumstances brought on the record in their entirety. For the said purpose, the presumptive evidence, as is laid down in section 20 must also be taken into consideration but then in respect thereof, it is trite, the standard of burden of proof on the accused vis-a-vis the standard of</p>

				burden of proof on the prosecution would differ. Before, however, the accused is called upon to explain as to how the amount in question was found in his possession; the foundational facts must be established by the prosecution. Even while invoking the provisions of section 20, the court is required to consider the explanation offered by the accused, if any, only on the touchstone of preponderance of probability and not on the touchstone of proof beyond all reasonable doubt
C.M. Girish Babu vs CBI, Cochin, High Court of Kerala (2009) 3 SCC 779	20	Lokeshwar Singh Pant, B. Sudershan Reddy	The appellant in the case is C.M. Girish Babu, he appealed before the SC against the order passed by the HC. the High Court recorded that the alleged demand by the appellant is highly doubtful and is not proved beyond reasonable doubt	The appeal is allowed. The court held that It is equally well settled that the burden of proof placed upon the accused person against whom the presumption is made under Section 20 of the Act is not akin to that of burden placed on the prosecution to prove the case beyond a reasonable doubt.
Subash Parbat Sonvane vs. State of Gujarat, 2002 Cri.L.J. SC 2787	13(1)(d)	MR. MD Shah	The appellant in the case is Subash Parbat Sonvane, he appealed before the SC for the reason that the whether the mere acceptance of	The appeal was allowed. The SC held that for convicting the person under sec. 13(1)(d), there must be evidence on record that accused

			money can be considered as illegal gratification.	'obtained' for himself or for any other person any valuable thing or pecuniary advantage by either corrupt or illegal means or by abusing his position as a public servant or he obtained for any person any valuable thing or pecuniary advantage without any public interest.
--	--	--	---	---

Madhukar Bhaskarrao Joshi vs. State Of Maharashtra [2000 (8) SCC 571]).	7	K.T. Thomas, R.P. Sethi	In this case the appellant is Madhukar Bhaskarrao Joshi, he appealed before the SC for the reason that whether every gratification will be considered as illegal gratification.	The appeal was allowed. The SC held that the acceptance of any valuable thing can help to draw the presumption that it was accepted as motive or reward for doing or forbearing to do an official act. Hence the court held that the word 'gratification' must be treated in the context to mean any payment for giving satisfaction to the public servant who received it.
Suraj Mal Vs. State (Delhi Admn.) [(1979) 4 SCC 725]	5(2)	A Koshal, S M Ali	The appellant in the case is Suraj Mal, he appeal before the SC for the reason that whether the acceptance of money will be considered as bribe.	The appeal was allowed. The court took the view that mere recovery of tainted money divorced from the circumstances under which it is paid is not sufficient to convict the accused when the substantive evidence in the case is not reliable.

				<p>The mere recovery by itself cannot prove the charge of the prosecution against the accused, in the absence of any evidence to prove payment of bribe or to show the accused voluntarily accepted the money knowing it to be bribe. For these reasons, therefore, the court is satisfied that the prosecution has not been able to prove the case against the appellant beyond reasonable doubt. therefore, allow the appeal set aside the conviction and sentences passed against the appellant. The appellant will now be discharged from his bail bonds</p>
<p>Trilok Chand Jain vs. State Of Delhi 1977 AIR 666, 1976 SCR (1) 348</p>	<p>4(1), 5(1)(d)</p>	<p>Sarkaria, Ranjit Singh</p>	<p>Trilok Chand Jain is the appellant in the case , he appealed before the SC for the reason that The charge under S. 5(1)(d) also is unsustainable because, it could not be reasonably said that the appellant obtained the money by using corrupt or illegal means or otherwise abusing his official position, as a public servant</p>	<p>SC allow this appeal, set aside the conviction of the appellant and acquit him of the charges levelled against him</p> <p>The court held that Even if the government servant was incapable of showing any favor or rendering any service in connection with his official duties, he may be guilty; but, the existence of an understanding that the bribe was given in consideration of some official act or conduct is an important factor bearing on the question as to whether the accused had received the gratification as a motive</p>

				or reward as mentioned in s. 161, I.P.C and the the essential ingredient of the offence under S.5(1)(d) was lacking in this case
C.K. Damodaran Nair v Govt. of India [(1997) 9 SCC 477]	5(1)(d)	M.K Mukherjee	The appellant in the case is C.K. Damodaran Nair be appealed before the SC against the order of HC and pleaded not to be guilty under the act.	<p>The appeal is dismissed. And the court ordered The appellant, who is on bail, shall now surrender to his bail bonds to serve out the sentence.</p> <p>The court held that “The position will, however, be different so far as an offence under Section 5 (1)(d) read with Section 5(2) of the Act is concerned. For such an offence prosecution has to prove that the accused `obtained' the valuable thing or pecuniary advantage by corrupt or illegal means or by otherwise.”</p>
Ram Narayan Poply v C.B.I 2003(1) SCR 119	13(2)	M.B Shah & B.N Agarwal & Arijit Pasayat.	The appellant in this case is Ram Narayan poply, he appealed before the court for the reason that his action does not falls under the offence of this act.	<p>The appeal was dismissed and set aside the conviction.</p> <p>The court observed: “Normally, in cases involving offences which corrode the economic stability are to be dealt with sternly. However, considering the fact that the occurrence took place a decade back, and the trial has spread over a few years, and the death of one of the accused, the court feel custodial</p>

				<p>sentence for the period already undergone would meet the ends of justice. While fixing the quantum of sentence, the court have duly considered the fact that in the instant case the amount has been paid back</p>
<p>DR. Anup Kumar Srivastava & Anr v. CBI 2012 (11) TMI 953 (DELHI HIGH COURT)</p>	<p>7, 12, 13(2)</p>	<p>Mr. Sunil gaur</p>	<p>The petitioner in the case is DR.Anup Kumar, he plead before the court for the reason that his action does not falls under the offence of the act.</p>	<p>This petition is accordingly disposed of.</p> <p>The court held that the prosecution has to explain this call and then only, petitioner can be called upon to give a reasonable explanation regarding subsequent call. Since the so-called incriminating call stands completely demolished by another call, therefore, it cannot be prima facie said that there is grave suspicion about involvement of petitioner in the commission of offences in question.</p>
<p>A.Abdul Kaffar Vs. State of Kerala JT2004(5)S C471,(2004)9SCCC333</p>	<p>7, 13(1)</p>	<p>N. Santosh Hegde and B.P. Singh,</p>	<p>The appellant is A.Abdul Kaffar, he appealed before the SC, the High Court agreed with the finding of the trial court on all counts and affirmed the judgment of the trial court by dismissing the said appeal. It is against the said judgment of the courts below the appellant has preferred this</p>	<p>The appeal is dismissed and SC said that The appellant who is on bail shall surrender to the bail and serve out the balance of sentence.</p> <p>SC held that the only conclusion available is that the receipt was prepared by the appellant after he was released on bail and the same is now sought to be utilized as a defense for the money received which the court</p>

			appeal.	think is unacceptable. Since this is the only question for consideration, this finding of is sufficient to dismiss this appeal.
A. Jayaram and Another Vs. State of Andhra Pradesh	5(1)(d), 2(2)	G.N. Ray and Faizanuddin,	The appellant in this case is A.jayaram and another's, they appealed before the SC against the decision given by the HC, the HC reveres the orders of acquittal and convicting the appellants.	SC held that it has been preferred both by the dealers and the government officials. Such appeal stands allowed in part and conviction and sentence passed against the government officials being appellants Nos. 3 to 5 stand set aside and they are acquitted. But the appeals preferred by appellants Nos. 1 and 2 stands dismissed.
A. Subair Vs. State of Kerala 2010(1)AL D(Cri)497	2, 12, 14, 5(1)	V.S. Sirpurkar and R.M. Lodha,	The appellant in the case is A.Subair, he appealed before the SC for the reason that whether there is sufficient legal evidence on record to bring home the guilt of the appellant for the offence under Sections 7 and 13(1)(d) read with 13(2)?	the appeal is allowed and the conviction and sentence of the appellant is set aside and the fine if paid, shall be refunded to the appellant. The bail bonds are cancelled. SC held that an inference of corruption may not be fairly drawn as the alleged demand was of Rs. 25/- only. Hence, the High Court was not justified in drawing the presumption under Section 20 and holding that offence punishable under Section 7 was proved.
A. Wati AO Vs.	5(1)	A.M. Ahmadi, C.J.I. and B.L.	The appellant in the case is A.Wati, he	The appeal is dismissed and the sentence for the

<p>State of Manipur AIR1996SC 361</p>		<p>Hansaria,</p>	<p>appealed before the SC against the order passed by the HC, his plea has been discarded by the two courts.</p>	<p>imprisonment of six months was given. SC held that the delay does require some reduction from the minimum prescribed; and on the facts of this, ends of justice would be met, accordingly, if at this length of time, pursuant to notice of enhancement issued by the Court .</p>
<p>A.A. Mulla and others Vs. State of Maharashtra and another 1996VIIAD (SC)737</p>	<p>5</p>	<p>G.N. Ray and G.B. Patnaik.</p>	<p>The appellant in this case is A.A. Mulla and others, he appealed before the court for the reason of their conviction under criminal case as ordered by the HC</p>	<p>The appeal fails and thus, dismissed. The SC held that the court do not find any justification for quashing the criminal trial simply on the ground of delay and consequential suffering of the appellant. The offences committed by the appellants are serious economic offences and normally in such offences, a strict view is to be taken.</p>
<p>A.B. Bhaskara Rao Vs. Inspector of Police, CBI, Visakhapatnam AIR2011SC 3845</p>	<p>7,7(2),13, 13(1)</p>	<p>P. Sathasivam and B.S. Chauhan</p>	<p>The appellant in this case is A.B Bhaskara Rao , he appealed before the SC against the order of conviction passed by the HC and for the reason of Whether, quantum of sentence awarded against Appellant was required any</p>	<p>the appeal fails and the same is dismissed. The court held that the orders do not disclose any factual details and the relevant provisions under which the accused was charged/convicted and minimum sentence, if any, as available , as well as the period already undergone. In the absence of such details, the court</p>

			reduction.	is unable to rely on those orders.
A.C. Muthiah Vs. Board of Control for Cricket in India and Anr JT2011(5)S C286	2(c), 13(1)	J.M. Panchal and Gyan Sudha Misra	The appellant in this case is A.C Muthiah,he appealed before the SC for the reason that whether there is a conflict of interest, hence whether he is liable under the said Act.	The appeal is allowed. SC held that the Purpose of ‘conflict of interest’ rule is to prevent and not merely to cure situations where fair and valid discharge of one’s duty can be affected by commercial interests which do not allow fair and fearless discharge of such duties.” “Merely because a person was associated in past, with administration of Society, that fact by itself would not clothe him with any legal right to maintain an action in law against said Society
A.C. Sharma Vs. Delhi Administration AIR1973SC 913	5(A)	A. Alagiriswami, C.A. Vaidialingam and I.D. Dua	The appellant in this case is A.C.Sharma, appealed before the SC against the order given by the HC and trial court for the reason that whether the amount received by the accused will be considered as illegal gratification.	the appeal fails and is dismissed. SC held that There is absolutely no extraordinary reason for departing from the normal rule of practice according to which this Court accepts the conclusions of facts arrived at by the High Court to be final. There is no grave injustice as a result of any irregularity or other infirmity either in the trial or in the judgments of the trial court and the High Court.

<p>A.R. Antulay Vs. R.S. Naik and Ors AIR1987SC 2177</p>	<p>5</p>	<p>G.L. Oza and Sabyasachi Mukherjee</p>	<p>The appellant in this case is A.R. Antulay, he appealed before the SC he challenged the entitlement of interest on amount awarded by Arbitrator for requisition of premises under the act.</p>	<p>The appeal is dismissed. The SC said that The amount is directed to be paid within three months from this date by the respondents. In case, there is any difficulty in calculating the amount, the parties will be at liberty to apply to the High Court of Calcutta. The appellants are entitled to costs of this appeal</p>
<p>A.R. Antulay Vs. R.S. Nayak and Anr AIR1988SC 1531</p>	<p>5</p>	<p>B.C. Ray, G.L. Oza, M.N. Venkatachaliah, Ranganath Misra, S. Natarajan, S. Ranganathan and Sabyasachi Mukherjee,</p>	<p>The appellant in the case is A.R. Antulay, he appealed before the SC for the issue that whether the said direction is inoperative, invalid or illegal, as alleged; and Whether, if it is, this Court can and should recall, withdraw, revoke or set aside the same in the present proceedings.</p>	<p>In view of the majority judgments the appeal is allowed. SC held that One wrong cannot be remedied by another wrong</p>
<p>Abdul Rehman Antulay etc. etc. Vs. R.S. Nayak and another etc. etc AIR1992SC 1701</p>	<p>K.N. Singh, C.J.I., P.B. Sawant, N.M. Kasliwal, B.P. Jeevan Reddy and G.N.</p>	<p>5,6</p>	<p>The appellant in the case is Abdul Rehman Antulay, he appealed before the SC, and raised objection for the jurisdiction of the special judge.</p>	<p>The appeal is accordingly dismissed. SC held that On a consideration of all the facts and circumstances of the case balancing process the court is of the opinion that this is not a fit case for quashing the criminal proceedings. The proper direction to make is to</p>

	Ray,			direct the expeditious trial on a day-to-day basis. Accordingly, the court dismiss the petition and direct the Special Judge designated for this case to take up this case on a priority basis and proceed with it day-to-day until it is concluded
Abhay Singh Chautala Vs. C.B.I 2011(2)AC R2252(SC)	V.S. Sirpurkar and T.S. Thakur	19(1)	The appellant in this case is Abhay singh he appealed before the SC for the reason of Whether sanction under Section 19 was necessary against Appellants and whether trial in progress was valid trial.	The appeals are without any merit and are dismissed. SC held that the High Court was absolutely right in relying on the decision in Prakash Singh Badal v. State of Punjab (cited supra) to hold that the Appellants in both the appeals had abused entirely different office or offices than the one which they were holding on the date on which cognizance was taken and, therefore, there was no necessity of sanction under Sec. 19 of the Act.
Ajit Kumar Vasantlal Zaveri Vs. State of Gujara AIR1992SC 2064	5(1)(d), 5(2)	K. Jayachandra Reddy and G.N. Ray,	The appellant in the case is Ajit Kumar Vasantlal, he appealed before the SC, as the HC gave the decision of being guilty under the act but the Appellant contended that he was falsely implicated as notes was thrust upon	the appeal is dismissed. SC held that the High Court judgment that all the circumstances have been taken into consideration and cogent and convincing reasons have been given for accepting the prosecution case. There are no merits in this appeal.

			him.	
A.R. Antulay Vs. Ramdas Srinivas Nayak and Anr AIR1984SC 718	5A (prevention of corruption act, 1947)	A.N. Sen, D.A. Desai, O. Chinnappa Reddy, R.S. Pathak and V. Balakrishna Eradi	The appellant is A.R. Antulay, he appealed before the SC for the reason that whether the police officer below the rank of Deputy Superintendent of Police have the authority to investigate any such offences without the order of a Magistrate of the First Class or make any arrest without a warrant.	The appeal fails and is dismissed. The SC held that the learned special Judge and Division Bench of the Bombay High Court that a private complaint filed by the complainant was clearly maintainable and that the cognizance was properly taken, is correct
Akhilesh Yadav Vs. Vishwanath Chaturvedi and Ors 2013(3)ABR429	6	Altamas Kabir, C.J.I. and H.L. Dattu	The appellant appealed before the SC for the relief of an appropriate writ in the nature of mandamus directing Respondent No. 1 to take appropriate action to prosecute Respondent Nos. 2 to 5 under the prevention of corruption act 1988, for acquiring amassed assets more than the known source of their income by misusing their power and authority.	The petition was disposed off. SC held that It is for the CBI to decide what steps it wishes to take on the basis of the inquiry conducted. Therefore, modify the order and direct that the directions given to the CBI to submit a report of its inquiry to the Union of India and the liberty given to the Union of India to take further steps on such report, be deleted from the order.
Akhtar Alam Vs. The State of	2, 5 (1) (d), 5 (2)	A.N. Grover, J.C. Shah and V. Ramaswami	The appellant Akhtar Alam appealed before the SC for the reason	The appeal is dismissed. SC held that the appellant was an officer in the

Bihar 1970(18)BL JR97			that he is not a public servant under sec 21(12) of IPC hence, he is not liable under sec. 5(2) of the prevention of corruption act,1988.	service or pay of the Corporation as defined in Section 21, clause (12), Indian Penal Code and therefore a 'public servant' within the meaning of the section and also of Section 2 of the Prevention of Corruption Act.
-----------------------------	--	--	---	--

ANALYSES

Corruption is one of the most damaging consequences of poor governance. It undermines investment and economic growth, decreases the resources available for human development goals, deepens the extent of poverty, subverts the judicial system and undermines the legitimacy of the state.

Prevention of Corruption Act, is the act which deals with the legal framework, aiming at a substantial elimination of major sources of corruption. The act consolidates the provisions of Prevention of Corruption Act, 1988, Sec. 161 to 165A of the Indian Penal Code (IPC), and Criminal Law Act, the sole idea is that the relevant provisions are brought in the single Act, which will make it convenient to refer to the various provisions of the act as more effectively to curb the menace of corruption among the public servants.

PUBLIC SERVANT UNDER PREVENTION OF CORRUPTION ACT, 1988:

From the various judicial decisions of the court it has come that the term 'public servant' as contained in Sec. 21 of IPC has been enlarged to include a large number of employees within the ambit of definition by incorporating sections 2(c)(iii) and 2(c)(ix) covering employees of Nationalized Banks and office bearers of Co-operative societies of the Central and State.

The apex-court also said in a landmark judgment that an M.L.A. is not a public servant under Sec. 21 of the Indian penal code, but he comes within the purview of sec. 2 (viii)(c) of the act. MLA holds an office and performs public duty hence, SC assumes that MLA is a "public Servant".

PRESUMPTION TO BE MADE BY THE COURT :

In the Prevention of Corruption Act, 1988 Once the prosecution established that gratification in any form cash or kind had been paid or accepted by a public servant the court is under a legal compulsion to presume that the said gratification was paid or accepted as a motive or reward to do (or forbear from doing) any official act. The only exception to the said rule is, when the gratification is so trivial that no inference of corruption could in fairness be drawn on a particular fact situation the court has no such legal compulsion to presume. Such a presumption was introduced in the Prevention of Corruption Act, 1947 (Act of 1947, or short) through a later

amendment. The said legal presumption was carried forward into the successor enactment of 1988.

ESSENTIAL INGREDIENTS OF SEC.7 AND SEC(1)(d):

In the case of DR. Anup Kumar Srivastava & Anr v. CBI SC laid down the essential ingredients of Sec. 7 and that is the person who accepts gratification should be a public servant and he should have accepted the gratification for himself and the gratification should be as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official function, favor or disfavor to any person or for rendering or attempting to render any service or disservice to any person.

Insofar as Section 13 (1) (d) of the Act is concerned, the essential ingredients are he should be a public servant ,he should have used corrupt or illegal means or otherwise abused his position as such public servant and he should have obtained a valuable things or pecuniary advantage for himself or for any other person. Without any public interest

In Section 13(1) (d), the word used is 'obtained'. The SC in the case of C.K. Damodaran Nair v Govt. of India had the occasion to consider the word 'obtained' used in Section 5 of PC Act, 1947, which is now Section 13(1)(d) of the Act of 1988. "The position will, however, be different so far as an offence under Section 5 (1)(d) read with Section 5(2) of the Act is concerned. For such an offence prosecution has to prove that the accused 'obtained' the valuable thing or pecuniary advantage by corrupt or illegal means or by otherwise."

The SC has also said that dishonest intention is the gist of the offence u/s 13(1)(d) is implicit in the word used i.e corrupt or illegal means and abuse of position as a public servant.

From the decisions of SC it has also came that "corruption" is not only the acceptance or demand of illegal gratification for doing an official act but also the amount that was alleged to have been accepted even as per the allegation of the complainant/informant was not by way of gratification for doing any favour to the accused, but admittedly by way of professional fee for examining and treating the patients will also be considered as an ingredients of offence.

Speeding up Trials under the Prevention of Corruption Act 1988:

A major cause of delay in the trial of cases is the tendency of the accused to obtain frequent adjournments on one plea or the other. There is also a tendency on the part of the accused to challenge almost every interim order Passed even on miscellaneous applications by the trial court, in the High Court and later, in the Supreme Court and obtaining stay of the trial. Such types of opportunities to the accused need to be restricted by incorporating suitable provisions in the Cr.P.C. It is made mandatory for the judges to Legal examine all the witnesses summoned and present on a given date. Adjournments should be given only for compelling reasons.

In order to ensure speedy trial of corruption cases, the Prevention of Corruption Act, 1988 made the following provisions:

- a. All cases under the Act are to be tried only by a Special Judges.
- b. The proceedings of the court should be held on a day-to-day basis.
- c. No court shall stay the proceedings under the Act on the grounds of any error or irregularity in the sanction granted, unless in the opinion of the court it has led to failure of justice.

Cases Trial by Special Judges:

Section 7 of the Criminal Law (Amendment) Act merely states that every offence shall be tried by the Special Judges for the area within which it was committed. Therefore, where only one Special Judge has been appointed or a particular area that Judges alone and no other Judge is competent to deal with the offence committed within the said area.

The Apex Court observed that an objection was raised before the Supreme Court that the case could not be transferred to a Special Judge who had no territorial jurisdiction to try the same. The Supreme Court observed: The provisions of Sec.256 of the Criminal Procedure Code empowering the High Court to transfer any case from a criminal court subordinate to it to any other court competent to try it, apply to the case before any Special Judge. If this case had been transferred to the court of the Special Judge Mangham, on the coming into force of the Criminal Law Amendment Act, it would have been open to the High Court to transfer the case from that court to the court of the Special Judge