

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 4954 OF 2024
(@ SLP(CRL.) No.7805/2023)

THE STATE OF TELANGANA

APPELLANT(S)

VERSUS

C. SHOBHA RANI

RESPONDENT(S)

WITH
CRIMINAL APPEAL NO.4955 OF 2024
(@ SLP(CrI) No. 11432/2023)

O R D E R

1. Leave granted.
2. Aggrieved over the quashing of the proceedings against the respondents who had been charged under Sections 420, 467, 468, 471 read with 120B of the Indian Penal Code, 1860 (in short, 'the IPC') and Section 13(2) read with Sections 13(1)(c) and (d) of the provisions of the Prevention of Corruption Act, 1988, the present appeals are filed.
3. Learned senior counsel appearing for the appellants submitted that the impugned judgment is liable to be set aside as there is no bar on the grant of sanction after declining it on an earlier occasion. In any case, the respondents having been charged under Sections 420, 467, 468, 471 and 120B of the IPC, the High Court has quashed the criminal proceedings without even going into the merits of the case especially when the

chargesheet has already been filed after investigation.

4. Learned counsel appearing for the respondents submitted that perusal of the evidence available shows that no case is made out against the respondents even for the offences punishable under Sections 420, 467, 468, 471 and 120B of the IPC. Insofar as the other contention is concerned, the High Court rightly took into consideration of the fact that the materials perused by the competent authority being the same, a mere change of opinion *per se* cannot be a ground for sustaining the sanction granted subsequently.
5. On the issue qua sanction, we are in agreement with the views expressed by the High Court. The subsequent sanction was given based on the same material, therefore, in the absence of any other contra material which weighed in the mind of the sanctioning authority, the same cannot be sustained in the eye of law. However, we find force in the other submission made by learned senior counsel for the appellant that the High Court did not even go into the charges pertaining to Sections 420, 467, 468, 471 and 120B of the IPC. We are also in agreement with the submission made by learned senior counsel appearing for the appellant that there is no need for grant of sanction under Section 197 of IPC.
6. In such view of the matter, we are inclined to set aside the impugned judgment insofar as quashment of charges against the respondents under Sections 420, 467, 468, 471 and 120B IPC alone is concerned.

7. Accordingly, the appeals are allowed in part and the matters are remitted to the High Court for fresh consideration with respect to the applicability of Sections 420, 467, 468, 471 and Section 120B of IPC. In the meanwhile, the appearance of the respondents be dispensed with until and unless it is required by the Trial Court. We request the High Court to consider the disposal of the Criminal Petition No.10267/2022 expeditiously, preferably within a period of four months from today.

8. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[ARAVIND KUMAR]

NEW DELHI;
3rd DECEMBER, 2024

ITEM NO.18

COURT NO.11

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 7805/2023

[Arising out of impugned final judgment and order dated 29-11-2022 in CRLP No. 10267/2022 passed by the High Court for The State of Telangana at Hyderabad]

THE STATE OF TELANGANA

Petitioner(s)

VERSUS

C. SHOBHA RANI

Respondent(s)

(IA No. 107196/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(Crl) No. 11432/2023 (II)
(FOR ADMISSION)

Date : 03-12-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. K M Nataraj, A.S.G.
Mrs. Archana Pathak Dave, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mrs. Chitragda Rastaravara, Adv.
Mr. Anmol Chandan, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Santosh Kumar, Adv.
Mr. Jitender Kumar Tripathi, Adv.
Mr. Alabhya Dhamija, Adv.
Ms. Sweksha, Adv.
Mr. Sharath Nambiar, Adv.

For Respondent(s) Mr. Nachiketa Joshi, Sr. Adv.
Mr. Shantanu Krishna, AOR
Ms. Sucheta Joshi, Adv.
Ms. Sagrika Arya, Adv.
Ms. Karishma Rajput, Adv.

Mr. Rajesh Kumar Gautam, AOR
Mr. Anant Gautam, Adv.
Ms. Likivi Jakhalu, Adv.
Mr. Kushagra Nilesh Sahay, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in part.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)