

Ratan Babulal Lath vs The State Of Karnataka on 6 September, 2021

Bench: Sanjay Kishan Kaul, M.M. Sundresh

1

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 949 OF 2021
(Arising out of SLP(Crl.) No. 2987/2021)

RATAN BABULAL LATH

APPELLANT(s)

VERSUS

THE STATE OF KARNATAKA

RESPONDENT(S)

O R D E R

Leave granted.

The only question which we are examining is whether the attachment of bank account of the appellant is sustainable in exercise of powers under Section 102 Cr.P.C.

The counter affidavit of the respondent seeks to suggest that they are in the process of filing an application under Section 18A of the Prevention of Corruption Act, 1988, since the earlier authorization issued by the Government under Section 3 of the Criminal Law Amendment of Ordinance, 1944 was not in the form of the Government Order.

Be that as it may, on that account, it is not possible to sustain the freezing of the bank account of the appellant taking recourse to Section 102 Cr.P.C. as the Prevention of Corruption Act is a Code by itself.

In view of the aforesaid position, the freezing of the account of the appellant cannot be sustained and is, accordingly, set aside. Consequently, the impugned order is also set aside leaving open to the respondent to take such recourse in law as may be permissible.

The appeal is allowed.

The parties to bear their own costs.

.....J. [SANJAY KISHAN KAUL]J. [M.M. SUNDRESH] NEW DELHI,
SEPTEMBER 06, 2021.

ITEM NO.17

Court 6 (Video Conferencing)

SECTION II-C

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (Crl.)

No(s). 2987/2021

(Arising out of impugned final judgment and order dated 20-11-2020 in CRLRP No. 634/2020 passed by the High Court Of Karnataka At Bengaluru) RATAN BABULAL LATH Petitioner(s) VERSUS THE STATE OF KARNATAKA Respondent(s) Date : 06-09-2021 This petition was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL HON'BLE MR. JUSTICE M.M. SUNDRESH For Petitioner(s) Mr. Ashwin Vaish, Adv.

Mr. Shantanu Sagar, AOR For Respondent(s) Mr. Shubhranshu Padhi, AOR Mr. Ashish Yadav, Adv.

Mr. Rakshit Jain, Adv.

Mr. Vishal Banshal, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeal is allowed in terms of the signed order.

[CHARANJEET KAUR] [POONAM VAID] ASTT. REGISTRAR-cum-PS COURT MASTER (NSH) [Signed order is placed on the file]