

Suman Chandra vs Central Bureau Of Investigation on 16 December, 2021

Bench: Vineet Saran, Aniruddha Bose

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No.1645 OF 2021
(Arising out of SLP(Criminal) No.547 of 2018)

SUMAN CHANDRA

APP

VERSUS

CENTRAL BUREAU OF INVESTIGATION

RESP

O R D E R

Leave granted.

We have heard Mr. S. Nagamuthu, learned senior counsel appearing for the appellant and Mr. Vikramjit Banerjee, learned Additional Solicitor General appearing for the respondent/CBI at length. We have also perused the judgment of the Trial Court dated 27.09.2006 whereby the appellant has been acquitted, as well as the impugned judgment dated 19.12.2017 reversing the judgment of the Trial Court and convicting the appellant with imprisonment for a period of one year and fine to the tune of Rs.5,000/- for offences under the Prevention of Corruption Act.

The Trial Court has given a detailed judgment giving several reasons for acquitting the accused, whereas the High Court subsumed its own view. It is well settled law that reversal of acquittal is permissible Date: 2021.12.18 only if the view of the Trial Court is not only erroneous but also unreasonable and perverse. In our considered opinion, the view taken by the Trial Court was a possible view, which was neither perverse nor unreasonable, and in the facts and circumstances of the present case, ought not to have been reversed or interfered with by the High Court.

For the aforesaid reason, we set aside the impugned order of the High Court and restore the judgment of the Trial Court.

Mr. S. Nagamuthu, learned senior counsel appearing for the appellant has, on instructions, stated that in case the appellant claims reinstatement in service and the same is granted, the appellant shall not claim any back-wages.

With the aforesaid observation, the appeal is allowed.

.....J. (VINEET SARAN)J. (ANIRUDDHA BOSE) New Delhi;

December 16, 2021

ITEM NO.20

COURT NO.9

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(s) for Special Leave to Appeal (Crl.) No(s).547/2018 (Arising out of impugned final judgment and order dated 19-12-2017 in CRA No.260 of 2007 passed by the High Court of Calcutta) SUMAN CHANDRA Petitioner(s) VERSUS CENTRAL BUREAU OF INVESTIGATION Respondent(s) ([SLP AGAINST PETITIONER NO. 1 VIZ.; JOYDEB GHATAK ABATED VIDE THIS COURT'S ORDER DATED 14.12.2021.] IA No. 177552/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES) Date : 16-12-2021 This matter was called on for hearing today. CORAM : HON'BLE MR. JUSTICE VINEET SARAN HON'BLE MR. JUSTICE ANIRUDDHA BOSE For Appellant(s) Mr. S. Nagamuthu, Sr. Adv.

Mr. Rakesh Singh, Adv.

Mr. Arun K. Sinha, AOR Mr. Sumit Sinha, Adv.

Ms. Anjali Rajput, Adv.

Mr. Amogh Agrawal, Adv.

For Respondent(s) Mr. Vikramjit Banerjee, ASG Mr. Siddhartha Sinha, Adv.

Mr. Prashant Rawat, Adv.

Ms. Jahnvi Prakash, Adv.

Mr. B.K. Satija, Adv.

Mr. Nachiketa Joshi, Adv.

Mr. Shekhar Vyas, Adv.

Mr. Chinmayee Chandra, Adv.

Mr. M.K. Maroria, Adv.

Mr. Arvind Kumar Sharma, AOR 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. Pending application(s), if any, stands disposed of. (ARJUN BISHT) (PRADEEP KUMAR) COURT MASTER (SH) BRANCH OFFICER (signed order is placed on the file)