

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2022
(Arising from SLP(CRL.) No. 10018 of 2021)

KARNATAKA LOKAYUKTHA POLICE

Appellant(s)

VERSUS

LAKSHMAN RAO PESHVE

Respondent(s)

O R D E R

Leave granted.

This appeal takes exception to the judgment and order dated 25-02-2020 passed by the High Court of Karnataka at Bengaluru in WP No. 736/2018 (GM-RES), thereby allowing the writ petition filed by the respondent and setting aside the orders passed by the Additional City Civil and Sessions Court and Special Court, Bengaluru in Spl. C.C. No. 327 of 2015.

The short question involved in the present appeal is: whether the sanction accorded by the Minister of the concerned Department was sufficient compliance of the legal requirement?

The High Court in paragraph 10 of the impugned

judgment has merely noted that in another case the sanction proposal was placed before the Cabinet and on that basis, it proceeded to answer the controversy in favour of the respondent. That approach, in our opinion, is incorrect. The High Court should have examined the efficacy of the business rules which govern the functioning of the concerned State department. It would have been a different matter if the High Court after examining the governing rules was to take the same view of the matter.

However, as the High Court has not dealt with the efficacy of the business rules, we deem it appropriate to set aside the impugned order and restore the writ petition to the file of the High Court for being considered afresh.

All contentions available to both sides are left open.

The sanction order which was assailed in the writ petition would stand revived in terms of this order, until the High Court decides to the contrary.

The appeal is disposed of in the above terms.

Pending applications, if any, stand disposed of.

....., J.
(A.M. KHANWILKAR)

....., J.
(C.T. RAVIKUMAR)

NEW DELHI;
FEBRUARY 11, 2022.

ITEM NO.22 Court 3 (Video Conferencing) SECTION II-C

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). 10018/2021

(Arising out of impugned final judgment and order dated 25-02-2020
in WP No. 736/2018 passed by the High Court Of Karnataka At
Bengaluru)

THE KARNATAKA LOKAYUKTHA POLICE Petitioner(s)

VERSUS

LAKSHMAN RAO PESHVE Respondent(s)

(FOR ADMISSION and I.R.)

Date : 11-02-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Shubhranshu Padhi, AOR
 Mr. Ashish Yadav, Adv.
 Mr. Rakshit Jain, Adv.
 Mr. Vishal Banshal, Adv.

For Respondent(s) Mr. Kapil Sibbal, Sr. Adv.
 Mr. Prithveesh MK, Adv.
 Mr. Nishanth Patil, AOR
 Ms. Malvika Kala, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]