

Premjit Kaur

Vs

Harsinder Singh

Criminal Appeal No. 204 of 1980

(V. D. Tulzapurkar, O. Chinnappa Reddy JJ)

17.03.1980

JUDGMENT

TULZAPURKAR, J. –

1. Special leave granted.

2. We have heard counsel on both sides and we are satisfied that the view of the High Court is clearly erroneous that simply because Sections 191 and 192, Indian Penal Code, are not mentioned in Section 195(1)(b)(i), Criminal Procedure Code, sanction for prosecution could not be issued. Obviously, Sections 191 and 192, Indian Penal Code, are the sections which define offences for which punishment is provided for in Section 193 and Section 193 is admittedly mentioned in Section 195(1)(b)(i), Criminal Procedure Code. The view of the High Court being clearly erroneous we felt that the judgment of the High Court be quashed. We accordingly quash the same. We would, however, like to observe that it will be open to the respondent to raise whatever defence he wants to raise in the prosecution that may be launched against him.

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