

Rakesh Saxena

Vs

State Through C. B. I.

Criminal Appeals Nos. 563-64 of 1986 in Special Leave Petitions (Crl.) Nos. 3360 and 3367/85

(CJI P. N. Bhagwati, Ranganath Misra JJ)

07.11.1986

JUDGMENT

MISRA, J. -

1. Special leave granted.

2. We have carefully considered the various aspects of the case and we are of the view that having regard to the nature of the dispute and the fact that the offences, if any, are alleged to have been committed more than six years ago and the appellant was merely a trader at the lowest rung of the hierarchy in the Foreign Exchange Division of the Bank and not a highly placed officer and the trial is bound to occupy the time of the court of first instance for not less than two or three years in view of the complicated nature of the case and even then, it is extremely doubtful whether it will at all result in conviction, no useful purpose will be served by allowing the prosecutions to continue. Hence, we allow the appeals and quash the charges against the appellant. We may, however, make it clear that if the Bank has any legitimate claim against the appellant, it will be open to the Bank to pursue any civil remedies which may be available to it.

</html