

State of U.P.

Vs

Parshottam

Criminal Appeal No. 345 of 1979 with Cr. M.P. No. 3571 of 1990

(Kuldip Singh, K. Ramaswamy JJ)

21.11.1990

JUDGMENT

1. First Information Report under Sections 120B and 420, IPC, was registered against the respondent and others on the charge that they fraudulently and dishonestly induced the Deputy Chief Controller of Imports and Exports to issue them a quota certificate dated 14th December, 1956. The other allegation against them were that on the basis of the said quota certificate they obtained three import licenses on 8-1-57, 20-4-57 and 7-1-58 in the name of a non-existent firm. The learned Special Magistrate framed one charge against the respondent and others in respect of all the allegations. The respondent - Parshottam filed revision petition in the High Court against the charge-framed on the ground that there being separate offences the case was governed by Section 219, Cr. P.C. and separate charges should have been framed in respect of different kind of offences. The High Court by its judgment dated July 27, 1977 accepted the revision of the respondent Parshottam and sent back the case to the Special Magistrate with a direction that he should frame two charges and split the case into two trials as indicated in the said judgment. This appeal via special leave petition by the State of U.P. is against the judgment of the High Court.

2. We have heard learned counsel for the parties. It is not necessary to go into the merits of the High Court judgment. The case was registered against the respondent and others on 31-12-58 and a chargesheet was submitted in the Court on 20-11-59. The Special Magistrate framed the charges against the accused persons on 10-1-76. The High Court, by the judgment under appeal, has directed framing of fresh charges against the accused persons. 'It is admitted position that the charges in terms of High Court judgment have not as yet been framed.

3. In the facts and circumstances of this case we are of the view that the prosecution against the accused persons must come to an end. The case was registered more than 30 years back. Thereafter it took 17 years to frame the charges. Even the judgment of the High Court was delivered about 13 years back. Whatever may be the reason, the fact remains that prosecution is pending in this case over three decades and even the trial has not as yet commenced. It would be travesty of justice if we permit the prosecution to continue. While dismissing the State appeal, we allow the Criminal M.P. 3571 of 1990 and quash the criminal prosecution against the accused persons in this case.

Order accordingly.

</html