

SUPREME COURT OF INDIA

P.Ramachandra Rao

Vs.

State of Karnataka

Crl.A.Nos.536-542 and 635 of 2000

(S.P.Bharucha, S.N.Phukan and Shivaraj V.Patil JJ.)

09.09.2000

ORDER

S.P. BHARUCHA, S.N. PHUKAN and SHIVARAJ V. PATIL, JJ.

1. These appeals arise upon judgments of a learned Single Judge of the High Court of Karnataka.
2. The appellants in these appeals were accused of offences under the Prevention of Corruption Act, 1988. Long delays in the prosecutions having taken place, they sought acquittal from the trial court. The trial court granted such acquittal. The State preferred appeals against the orders of acquittal. The learned Single Judge, by the orders under challenge, set aside the orders of acquittal and restored the cases to the trial court for fresh disposal.
3. It is common ground that the learned Judge allowed the appeals in the High Court without so much as issuing notice to the accused (tire appellants before us). Upon this ground alone, of want of notice, the present appeals could be allowed and the appeals before the High Court restored to its file for fresh disposal after notice to the accused, but it was felt that a question arose in these appeals which was likely to arise in many more and, therefore, they should be heard on their merits.
4. The question is whether the earlier judgments of this Court, principally, in Common Cause v. Union of India: 1996CriLJ2380 , Common Cause v. Union of India : AIR1996SC3538 , Raj Deo Sharma v. State of Bihar: 1998CriLJ4596 and Raj Deo Sharma (II) v. State of Bihar : 1999CriLJ4541 , would apply to prosecutions under the Prevention of Corruption Act and other economic offences.
5. Having perused the judgments aforementioned, we are of the view that these appeals should be heard by a Constitution Bench. We take this view because we think that it may be necessary to synthesis the various guidelines and directions issued in these judgments. We are also of the view that a Constitution Bench should consider whether time limits of the nature mentioned in some of these judgments can, under the law, be laid down.
6. Pending the disposal of the appeals, the interim orders shall continue to operate.
7. The papers shall be placed before the Hon'ble the Chief Justice for appropriate directions.

