

SUPREME COURT OF INDIA

Yash Gupta

Vs.

President I.C.A.R.

S.L.P.(Civil.)No.18552 of 2013

(B.S.Chauhan and Sharad A. Bhubde, JJ.)

11.11.2013

ORDER

B.S.Chauhan, J.

1. In this case, the petitioner and her husband Dr. Sarveshwar Dayal Gupta had faced criminal prosecution in Criminal Case No. 245/2 of 2005 registered at P.S. Solan vide FIR No. 252/2003 and the Chief Judicial Magistrate, Solan (H.P.) had acquitted both of them under Sections 341, 323, 506, 34 of Indian Penal Code, 1860 (hereinafter referred to as the 'IPC').

2. Subsequently, certain departmental proceedings had been initiated against them wherein punishment had been imposed against which the petitioner has filed this petition after agitating up to the High Court.

3. After hearing the arguments of learned counsel on 3.7.2013, we were of the view that the judgment of the trial court could not be sustained in the eyes of law and the petitioner and her husband Dr. Sarveshwar Dayal Gupta had been acquitted wrongly. Thus, we passed

the following order:

"Issue notice to the petitioner through the present Advocate as to why the trial court judgment in Criminal Case No. 245/2 of 2003 dated 22.6.2007 should not be set aside by this Court suo-motu as we do not see any reason to disbelieve the statement given by Dr. R.N. Verma, ex-Director of NRCM. Reply to the show cause notice may be filed within three weeks. List the matter thereafter So far as this special leave petition is concerned, it is dismissed."

4. In view thereof, a reply has been filed by the petitioner submitting that in case the order of acquittal passed by the trial court is set aside at such a belated stage, the petitioner would suffer an irreparable loss and injury and the career of her two children would be adversely affected. The petitioner would not be able to look after her ailing mother and she has tendered an unqualified and unconditional apology in an unwarranted incident which led to a criminal prosecution of the petitioner and her husband as well as initiation of disciplinary proceedings against them. Further, in spite of the fact that both of them had been acquitted in a criminal case, they have been awarded severe punishment in domestic enquiry of compulsory retirement even though both of them had a longer period of service.

5. In view thereof and taking into consideration that the petitioner's husband who had actually committed an offence punishable under Sections 341, 323 and 506 read with Section 34 IPC is not a party before us, we are of the view that the proceedings be dropped.

In view of the above, the show cause notice issued on 3.7.2013 is discharged.