

# VERDICTUM.IN

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2024  
(arising out of SLP (Crl.) No. 12708/2023)

SHIVENDRA NATH VERMA . . . . . APPELLANT(S)

VERSUS

UNION OF INDIA . . . . . RESPONDENT(S)

## O R D E R

Leave granted.

In view of Section 19(1) of the Prevention of Corruption Act, 1988<sup>1</sup>, we do not think that the trial Court was justified and correct in law in taking cognizance in the absence of sanction by the competent authority.

In view of the aforesaid position, the order taking cognizance dated 12.10.2020 is set aside *qua* the appellant, Shivendra Nath Verma. The effect thereof would be that the impugned judgment/order dated 19.06.2023, upholding the order of cognizance to that extent, is also set aside.

It is accepted and admitted at the Bar that the competent authority has granted sanction *vide* order dated 27.07.2022. It will be open to the Union of India/Central Bureau of Investigation to file the said sanction order before the competent Court, which may

1 For short, "1988 Act".

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thereupon examine the case and, if deemed appropriate, take cognizance and proceed against the appellant, Shivendra Nath Verma.

During the course of hearing, it was argued on behalf of the appellant, Shivendra Nath Verma, that as the sanction dated 27.07.2022 was obtained after the order of cognizance dated 12.10.2020, the said sanction should be treated as void in view of the decision of this Court in *Nanjappa v. State of Karnataka*<sup>2</sup>. We are not inclined to accept the said submission. The *ratio* of the said decision is to the effect that the trial Court could not have taken cognizance in view of the bar contained in Section 19(1) of the 1988 Act. We do not think that the *ratio* of the aforesaid decision extends to invalidating the sanction granted, after the order taking cognizance was passed.

The appeal is allowed in the above terms.

We make it clear that the observations made in this order only pertain to the appellant, Shivendra Nath Verma. The order taking cognizance against the other accused, where sanction was not required, will not get affected.

Pending application(s), if any, shall stand disposed of.

.....J.  
(SANJIV KHANNA)

.....J.  
(SANJAY KUMAR)

NEW DELHI;  
JULY 22, 2024.

2 (2015) 14 SCC 186.

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ITEM NO.37

COURT NO.2

SECTION II-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**Petition for Special Leave to Appeal (Crl.) No. 12708/2023**

(Arising out of impugned final judgment and order dated 19-06-2023 in CRMP No. 2079/2021 passed by the High Court of Jharkhand at Ranchi)

SHIVENDRA NATH VERMA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 83523/2024 - EARLY HEARING APPLICATION, IA No. 203403/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 203407/2023 - EXEMPTION FROM FILING O.T. and IA No. 111972/2024 - MODIFICATION OF COURT ORDER)

Date : 22-07-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s)

Mr. Sunil Kumar, Sr. Adv.  
Mr. Himanshu Shekhar, AOR  
Mr. Parth Shekhar, Adv.  
Ms. Ambali Vedasen, Adv.  
Mr. Shubham Singh, Adv.  
Mr. Vijay Singh, Adv.  
Mr. Arvind Kumar Tomar, Adv.  
Mr. Nikhil Kumar, Adv.  
Mr. Md Sontu Mia, Adv.  
Mr. Sudip Patra, Adv.  
Ms. Rachna Ranjan, Adv.  
Ms. Monica Haseja, Adv.  
Ms. Kamlika Samadder, Adv.  
Mr. Rajat Sinha Roy, Adv.  
Mr. Vishal Prasad, Adv.  
Mr. Gyanesh Kumar Maheshwari, Adv.  
Mr. Rajat Mishra, Adv.

For Respondent(s)

Mr. Suryaprakash V. Raju, A.S.G. (N/P)  
Mr. Mukesh Kumar Maroria, AOR  
Mr. Zoheb Hossain, Adv.  
Mr. Annam Venkatesh, Adv.  
Mr. Ashwani Kumar, Adv.  
Mr. Arkaj Kumar, Adv.

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Mr. Purnendu Bajpai, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)  
AR-cum-PS

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR

(signed order is placed on the file)