

COMPLETE REPORT ON CBI COURTS FROM
“YEAR 2000-2014”

JUDICIAL PRONOUNCEMENTS

ACCOMPLISHED BY

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D). AN OVERVIEW : ESTABLISHMENT OF SPECIAL COURTS

The bestknown courts are courts of general jurisdiction, which have unlimited trial jurisdiction, both civil and criminal, within their jurisdictional area. At the federal level, these are called district courts. At the state level, these courts have many different titles, including district court, trial court, county court, circuit court, municipal court, and superior court. Appellate courts of general jurisdiction review the decisions of inferior courts and are typically called either courts of appeal or supreme courts. The bulk of U.S. courts, however, are special courts, which include all courts of limited and specialized jurisdiction that are not courts of general jurisdiction or appellate courts. A special court generally addresses only one or a few areas of law or has only specifically defined powers.

Special courts in the United States developed out of the English custom of handling different kinds of cases by establishing many different special courts. Many of the special courts established in the United States during colonial times and shortly after the Constitution was adopted have been abolished, but new special courts continue to be created, especially at the state and local level. Special courts now handle the vast majority of all cases brought in the United States. The majority of all cases brought in any particular state jurisdiction go to special courts.

Special courts exist for both civil and criminal disputes. Cases tried in special, limited-jurisdiction criminal courts, such as traffic court or misdemeanor court, may be reheard in a general-jurisdiction trial court without an appeal upon the request of the parties.

Special courts do not include the many administrative courts, its purpose is to probe the cases and lower down the burden of the judicial system. Courts that exist at both the federal and state government level; administrative courts are considered part of the Executive Branch, rather than the judicial branch. However, a general-jurisdiction court that hears only specific kinds of cases, such as a landlord-tenant branch of a general-jurisdiction trial court, is usually considered a special court.

Special courts differ from general jurisdiction courts in several other respects besides having a more limited jurisdiction. Cases are more likely to be disposed of without trial in special courts, and if there is a trial or hearing, it is usually heard more rapidly than in a court of general jurisdiction. Special courts usually do not follow the same procedural rules that general-jurisdiction courts follow; often special courts proceed without the benefit or expense of attorneys or even law-trained judges.

The judges who serve in special courts are as varied as the special courts themselves. Most special court judges obtain their position through election, rather than through the merit selection system common in general-jurisdiction courts.

2). PURPOSE OF ESTABLISHING THE SPECIAL COURTS

The states and localities have created many special courts. Juvenile courts are special courts that have jurisdiction over delinquent, dependent, and neglected children. Juvenile courts have special rules to protect the privacy of the juveniles before them, such as requiring that only the initials and not the full names of juveniles are used in court paperwork so that their identities are not revealed to the public. Juvenile court proceedings are closed to the public, and generally the records are sealed. Further there are CBI Courts, who helps in probation of various high profile cases or any cases wherein state police failed to probe or found any conclusion.

The basic purpose of establishing the special court is to look after the cases which are not probed by the state police or state police fails to reach the conclusion or to arrest the perpetrator, by the said investigation agency and to initiate the proceedings in order for the betterment of the judicial system and to lower down the burden of the courts.

As there are plenty of cases pending in the civil and criminal courts, in order to attain the speedy justice, one cannot burden the judicial system and cannot burden up the system with extra cases to probe and initiate proceedings against them. Hence DSPE Act, was established and special courts, like CBI COURTS were established so that there would not be any burden on the judicial system and the cases wherein state police failed to probe or find any kind of evidences were mislead or not found would be probed by the CBI and later would be initiated and proceeded by the CBI Court.

3). WHAT IS EXPECTED FORM THE JUDGES OF CBI COURTS

As our Judicial system works in efficient manner to probe and to meet the end of justice within the stipulated time period. As there is lack of time and burden of cases. As across country there are more than 3 crores cases pending in the courts. So as to lower down the burden of the running courts, the Government decided to establish the Special courts like Juvenile Justice Board and CBI Courts, which would probe the case and would meet the end of justice by investigating into the matter and deciding up the cases. If any further appeal is require or feeling the necessity of be looked upon then the matter is rightly appealable in the appropriate court.

As the basic purpose of the learned judges is to look upon the cases and its integrity and depth in every possible manner it can, by analyzing and looking into the corners of the case, to examine the parties involved and to meet the ends of justice. As there are lot of expectations from a learned judge as he is the superior authority who is going to decide the matter by examining the every possible corner of the case on the basis of evidence produced and the witness statements. Thereby the expectation form the special court judges is to provide the speedy justice to the aggrieved parties and to think like the Judges and to probe into the matter with every possible manner of angle and to examine each and every aspects of case and the parties involved with looking into the evidences produced before the court of law.

IV). JUDICIAL PRONOUNCEMENTS WITH RESPECT TO CBI COURTS:-

1). BOFORS SCANDAL

In January, 2006 it has been noticed that the CBI had very secretly unfrozen the bank accounts belonging to the Italian businessman Ottavio Quattrocchi, one of those accused in the 1986 Bofors scandal which tainted the Government of Rajiv Gandhi. The CBI was responsible for the inquiry into the Bofors case. Associates of then – Prime Minister Rajiv Gandhi were linked to alleged payoffs made during the mid-1980s by Swedish arms firm AB Bofors, with US\$40 million in kickbacks moved from Britain and Panama to secret Swiss Banks. The 410 howitzers purchased in the US\$ 1,300 million arms sale were reported to be inferior to those offered by a French competitor.

The CBI, which unfroze Rs. 21 crore ((US\$3.3 million) in a London bank in accounts held by Bofors, accused Quattrocchi and his wife Maria in 2006 but facilitated his travel by asking Interpol to take him off its wanted list on 29 April 2009. After communications from the CBI, Interpol withdrew the red corner notice on Quattrocchi¹.

2). HAWALA SCANDAL

A 1991 arrest of militants in Kashmir led to a raid on Hawala brokers, revealing evidence of large-scale payments to national politicians. The Jain hawala case encompassed former Union ministers Ajit Kumar Panja and P. Shiv Shankar, former Uttar Pradesh governor Motilal Vora, Bharatiya Janata Party leader Yashwant Sinha. The 20 defendants were discharged by Special Judge V. B. Gupta in the ₹650-million case, heard in New Delhi.

The judge ruled that there was no prima facie evidence against the accused which could be converted into legal evidence. Those freed included Bharatiya Janata Party president L. K. Advani; former Union ministers V. C. Shukla, Arjun Singh, Madhavrao Scindia, N. D. Tiwari and R. K. Dhawan, and former Delhi chief minister Madan Lal Khurana. In 1997 a ruling by

¹ "Bofors scam: Quattrocchi off CBI's wanted list". *The Times of India (NEW DELHI)*. 28 Apr 2009. Retrieved 22 December 2011.

late Chief Justice of India J. S. Verma listed about two dozen guidelines which, if followed, would have ensured the independence of the investigating agency. Sixteen years later, successive governments circumvent the guidelines and treat the CBI as another wing of the government. Although the prosecution was prompted by a public-interest petition, the cases concluded with no convictions. In Vineet Narayan & Othrs v Union of India AIR 1996 SC 3386, the Supreme Court ruled that the Central Vigilance Commission should have a supervisory role over the CBI.

3). PRIYADARSHINI MATTOO MURDER CASE

In this case Santosh Kumar Singh, the alleged murderer of a 22-year-old law student, was acquitted for what the judge called "deliberate inaction" by the investigating team. The accused was the son of a high-ranking officer in the Indian Police Service, the reason for the CBI's involvement. The 1999 judgment noted that "the influence of the father of the accused has been there".

Embarrassed by the judgment, CBI Director R. K. Raghavan appointed two special directors (P. C. Sharma and Gopal Achari) to study the Judgment. The CBI appealed the verdict in Delhi High Court in 2000, and the court issued a warrant for the accused. The CBI applied for an early hearing in July 2006; in October the High Court found Singh guilty of rape and murder, sentencing him to death.

4). SISTER ABHAYA MURDER CASE

This case concerns the 27 March 1992 death of a nun who was found in a water well in the Saint Pius X convent hostel in Kottayam, Kerala. Five CBI investigations have failed to yield any suspects. As there were no evidences available which would reveal the identity of the perpetrator and moreover there were no such signs or even a single thing which could indicate about the suspect, and no one had seen the culprit or any eye witness was not available against the said person.

5). SOHRABUDDIN CASE

The CBI has been accused of supporting the ruling Congress Party against its opposition, the BJP. The CBI is investigating the Sohrabuddin case in Gujarat; Geeta Johri, also

investigating the case, claimed that the CBI is pressuring her to falsely implicate former Gujarat minister Amit Shah.

6). SANT SINGH CHATWAL CASE

Sant Singh Chatwal was a suspect in CBI records for 14 years. The agency had filed two charge sheets, sent letters rogatory abroad and sent a team to the United States to imprison Chatwal and his wife from 2–5 February 1997. On 30 May 2007 and 10 August 2008 former CBI directors Vijay Shankar and Ashwani Kumar, respectively, signed no-challenge orders on the imprisonment. Later, it was decided not to appeal their release.

This closed a case of bank fraud in which Chatwal had been embroiled for over a decade. Along with four others, Chatwal was charged with being part of a “criminal conspiracy” to defraud the Bank of India’s New York branch of ₹28.32 crore (US\$4.5 million). Four charges were filed by the CBI, with Chatwal named a defendant in two. The other two trials are still in progress. RTI applicant Krishnanand Tripathi was denied access to public information concerning the closed cases. The Central Information Commission later ordered the CBI to disclose the information; however, the CBI is exempt from the RTI Act. Chatwal is a recipient of the Padma Bhushan.

7). MALANKARA VERGHESE MURDER CASE

This case concerns the 5 December 2002 death of T. M. Varghese (also known as Malankara Varghese), a member of the Malankara Orthodox Church managing committee and a timber merchant. Varghese Thekkekara, a priest and manager of the Angamali diocese of the rival Jacobite Syrian Christian Church (part of the Syriac Orthodox Church), was charged with murder and conspiracy on 9 May 2010. Thekkekara was not arrested after he was charged, for which the CBI was criticised by the Kerala High Court and the media.

8). BHOPAL GAS TRAGEDY

The CBI was publicly seen as ineffective in trying the 1984 Bhopal disaster case. Former CBI joint director B. R. Lall has said that he was asked to remain soft on extradition for Union Carbide CEO Warren Anderson and drop the charges (which included culpable homicide). Those accused received two-year sentences.

9). 2G SEPCTRUM SCAM

The UPA government allocated 2G spectrum to corporations at very low prices through corrupt and illegal means. The Supreme Court cited the CBI many times for its tardiness in the investigations; only after the court began monitoring its investigations were high-profile arrests made.

10). INDIAN COAL ALLOCATION SCAM

This is a political scandal concerning the Indian government's allocation of the nation's coal deposits to private companies by Prime Minister Manmohan Singh, which cost the government ₹10673.03 billion (US\$170 billion). CBI director Ranjit Sinha submitted an affidavit in the Supreme Court that the coal-scam status report prepared by the agency was shared with Congress Party law minister Ashwani Kumar “as desired by him” and with secretary-level officers from the prime minister’s office (PMO) and the coal ministry before presenting it to the court. The coal allocation scam has affected the financial status on the

LEVEL – I ANALYSIS

REPORT ON ALL THE CASES PROBED BY CBI OR THE DIRECTIONS OR SUPERVISION GIVEN BY THE HIGH COURTS AND SUPREME COURT TO CENTRAL BUREAU OF INVESTIGATION AND CBI COURT

<u>NAME OF THE COURT</u>	<u>NAME OF THE CASE</u>	<u>PROBE BY CBI / CBI INVOLVEMENT</u>	<u>OBSERVANCE OF THE COURT</u>
SUPREME COURT OF INDIA	1). Amitabh Anil Chandra Shah vs. CBI. (Decided on 08.04.2013)	Appellant filed the writ petition under Article 32 of Constitution of India, with respect to the second FIR being registered by the CBI. Can second FIR be filed?	Court observed that going by Section 154 Cr.P.C, a second FIR in respect of an offence or different offences committed in the course of same transaction is impermissible and is violative of Article 21 of Constitution of India. however when there are cases and counter case in respect of the same incident different FIRs can be registered

			<p>and investigation can be carried on under both of them by same investigating agency. And it was decided that filing of second FIR by CBI was violative of various judicial pronouncements as well as fundamental rights.</p>
	<p>2). Anusuyaben Sadashiv Jadav and Anr. Vs. Union of India and Ors. (Decided on 01.12.2008).</p>	<p>Bail application has been filed by the accused for the reconsideration and for not charging under the provisions of POTA, as the crime and the accused are non-POTA accused and charges were of similar nature?</p>	<p>The court opined that the Bail application needs to be send for re-consideration and if the matter does not come under the purview of provisions of POTA, and the crime is in nature to the non-POTA accused, therein session Judge jurisdiction would lie and no CBI probe is required as only if required and after the set permission and directions only can CBI probe in.</p>

	<p>3). CBI vs. Amit bhai Anil Chandra Shah and another. (Decided on 27.09.2012)</p>	<p>Application for Bail was granted by the High Court, but CBI opposed the same and said that it would not be safe without any guarantee or surety bond for releasing the accused persons. The bail was challenged in the Supreme Court and issue was also for the transfer of cases.</p>	<p>It was held by the court that Petitions filed by Respondent No. 1 before ACJM and orders passed by Magistrate on those Petitions were part of judicial record and could not be simply denied away. And the bail was allowed on surety bonds. Coming to the transfer of case, as per Section 406 Cr.PC court has the power to transfer the case from one state to another, to save trial Court in State from undue stress and to avoid any possible misgivings in minds of ordinary people about case getting a fair trial in State. Thus petition was dismissed and transfer was allowed.</p>
	<p>4). Dipak ShubashChandra Mehta vs. CBI and</p>	<p>Bail application was not granted to the said appellants by the CBI,</p>	<p>The court concluded that, Court granting bail should exercise</p>

	<p>Anthr. (Decided on 10.02.2012).</p>	<p>as the offences committed were of serious nature and thus, on seeing the gravity of the offence, CBI denied of the Bail and so the High Court. Hence this petition.</p>	<p>its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail, a detailed examination of evidence and elaborative documentation of the merits of the case need not t be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why Bail was being granted when particularly, where the accused is charged of having committed a serious offence. The court has given various directions and supervisions to CBI and other courts for granting Bail. Thus the bail was granted on the submission of surety bonds on satisfaction of the CBI</p>
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			court on certain conditions. Petition was disposed off accordingly.
	5). Raj Deo Sharma vs. State of Bihar. (Decided on 22.09.1999)	Apex court has given few directions to the CBI in light of the said Judgment (A.R.Antulay vs. R.S. Nayak). CBI filed petition in course to the said directions for (modification and clarification) for speedy trial by the CBI.	The court concluded that the said direction in the aforesaid judicial pronouncement is strictly applicable. As the whole idea was to speed up the trial in criminal cases to prevent the prosecution from becoming a prosecution of the person arrayed in a criminal trial. No trial can be allowed to prolong indefinitely due to the lethargy of the prosecuting agency of the State machinery and that is the raison d'etre in prescribing the timeframe within which prosecution evidence must be closed.

	<p>6). V.K Jain vs. High Court of Delhi through Registrar General and Others. (Decided on 23.09.2008)</p>	<p>The petition was filed on refusal of conditional Bail and Passports by the CBI to the appellants. Hence this appeal?</p>	<p>Court concluded that, as though Bail would be granted to the appellant and the Passports would be made available to the Appellant on the ground of depositing a surety and office address of the foreign place and on returning back to the nation, the appellant would have to submit the passports back to the officials of CBI.</p>
<p><u>ALLAHABAD</u> <u>HIGH COURT</u></p>	<p>1). Afzal ansari s/o Shri Subahn Ansari (MP) vs. State of U.P. (Decided on 9.11.2006)</p>	<p>The objection was raised by the CBI for rejecting Bail and when the petitioner reached the High court CBI contended when the matter is going on in the court of C.B.I, the High court do not have jurisdiction to grant the bail.</p>	<p>The court concluded that the Jurisdiction cannot be taken away only for the reason that now the matter is being further investigated by CBI, as it is evident that the place of occurrence, i.e., cause of action is within the jurisdiction of Allahabad High court. And thus the contentions and application of CBI</p>

			were rejected.
	2). Dinesh Nath Pandey vs. State of U.P (Decided on 08.11.2012).	The issue was with respect to the renewal of the term of the petitioner, which was not granted by CBI in the nature of offences being committed. Hence this appeal.	It was held by the court that the renewal term could be taken into consideration and the matter should be re-looked by the CBI court in order to meet the end of justice and ensure whether the suspense of term of the petitioner is valid or not?. Hence the order was not granting renewal was rejected by the court and directions were imposed on CBI.
	3). Dr. Balram Dutt Sharma and etc. vs. State of U.P (Decided on 09.04.1999)	The issue was with respect to the non – granting of Bail by the CBI as the matter was still in progress and when the appeal was made to the aforesaid court, CBI contended that High court is not having any jurisdiction with respect to grant Bail?	It was held by the court that, as the place of occurrence and the cause of action took place in the jurisdiction of the High court. Thus High court is having power to grant Bail to the appellants.
	4). Dr. Rajesh Talwar	Applications were	It was further held by

	<p>and Anthr. vs. CBI (through its Director and Another. (Decided on 19.07.2013)</p>	<p>filed against the order of CBI as in respect of summoning certain documents was dismissed by CBI. Hence appeal?</p>	<p>the court that applicant's contention with respect to the Narco-analysis and brain mapping test to be produced as evidence under Section 27 of Indian Evidence act is not admissible but the applicant's request in respect of sound simulation test report and DNA Analysis was not rightly dismissed. And thus the application was allowed by the High court in preserving of Indian evidence act and said documents. And thus the order of CBI was set aside.</p>
	<p>5). Mohd. Yasir vs. State of U.P and Another. (Decided on 18.10.2011).</p>	<p>The present petition was filed with respect to the Bail application which was not considered by the CBI, and the chargesheet was submitted to the CBI</p>	<p>It was held by the court that though in the present case the report and the chargesheet has been duly submitted to the CBO court, Lucknow bench but it does not</p>

		<p>Court, Lucknow and on further appeal to the High court Allahabad, it contended that the High court of Allahabad do not sustain the jurisdiction to entertain the application. Hence appeal.</p>	<p>mean tht it would debar the applicant from going to High court for prayer of Bail. Thus the order of CBI was rejected on the similar grounds.</p>
<p><u>ANDHRA PRADESH HIGH COURT</u></p>	<p>1). CBI represented through Superintendent of Police vs. Dr. G Venkateshwar Rao.(Decided on 05.10.2012)</p>	<p>The issue was with respect to the jurisdiction to refer the complaint under Section 156(3) Cr.P.C, Section 5 and 6 of DSPE Act, wherein Special Judge for CBI cases referred complaint filed by Respondent – complainant to CBI for investigation under Section 156(3). CBI filed an appeal for this?</p>	<p>It was held that The CBI Court situated at Hyderabad has jurisdiction over the area in which the offences alleged in the complaint presented by the respondent-complainant took place. Since the area wherein the offences alleged in the complaint comes within the jurisdiction of CBI court at Hyderabad, the learned Judge of the CBI Court, Hyderabad is justified in referring the</p>

			complaint of the respondent-complainant to the CBI, Hyderabad for investigation.
	2). K.L.D Ngasree vs. Govt. of India represented by its secretary. (Decided on 11.12.2006).	The appeal was with respect to the Interception of message by CBI under Section 5(2) of the Indian Telegraph Act. Later were charged by CBI court under Section 120 B, and provisions of Prevention of corruption Act. as the infringement of Right to privacy was in question, which is a part of right guaranteed under Article 21.	It was concluded by the Court that the decision of CBI Court with respect to Interception of message is in violation of Article 21 and moreover the decision given by the CBI court was not in compliance with the mandatory requirements of Section 5(2) of the Indian Telegraph act. And thus the order was set aside and the appeal was allowed.
	3). UCO Bank and Another vs. M. Venuranganath. (Decided on 22.072002)	The application was filed by the aggrieved on the decision of CBI by the acquittal of Respondents, and the memo was also quashed n the ground of releasing of the	It was held by the court that the impugned acquittal was not based on merits it was further held that memo should not quashed on ground of delay once

		respondent on merits.	departmental proceedings is initiated. It was held that the acquittal was not proper and was given only on the grounds of benefit of doubt. The decision of CBI court was quashed.
	4). V. Vijaya Sai Reddy vs. CBI. (Decided on 12.01.2012).	Special Judge (CBI) extended police custody of petitioner as petitioner was accused of prevention of corruption act and various other crimes under I.P.C. The issue was whether special judge has jurisdiction to order for further custody?	It was concluded by the court that The only occasion on which a Magistrate can order custody is if the Presiding Officer of the regular Court i.e. CBI Court not available, when an accused is produced for the first time. Once the accused was produced before the CBI Court, it is only for that court, to take further steps be it as regards the grant of police custody or extension thereof.
<u>KOLKATA</u>	1). Pradeep Kumar Banerjee vs. Airport	The appellant was working as the	The court herein concluded that in a

<u>HIGH COURT</u>	authority of India & Others. (Decided on 01.03.2012)	respondent authority and was arrested under prevention of corruption Act. Later after investigation by CBI, CBI Court convicted him of the said offences, in consequence to which the appellant was dismissed from service. Hence appeal?	charge of corruption/ bribe should be proved beyond doubt and not on merely probabilities or hearsay evidence, the disciplinary proceeding had vitiated due to absence of most vital witness. And thereby the orders of the single Judge and CBI court are quashed and the further orders were given for the reinstatement of service of appellant with the cost of damages.
	2). Ram Deo tiwari vs. Union of India and others. (Decided on 14.06.2013)	The petitioner was convicted by the CBI court but was later acquitted by the High court in an appeal. Now the question is whether the plaintiff would be entitled for the promotion in the same re-instated job, though he has not	The court firstly quashed the order of the CBI court and later in the second issue of promotion states that Petitioner shall be deemed to be in continuous service for all purposes except for back wages. There is no bar

		filed any appropriate legal application before court against said promotion.	in considering the case of petitioner for being promoted to posts as prayed by him. Therefore the petition was allowed and that of CBI was quashed.
	3). Swapan Roy vs. CBI. (Decided on 11.12.2013).	As per the contention of the Trial court the accused/appellant was not a juvenile and later the case was transferred to the CBI which transferred the case for hearing to the CBI Court, wherein CBI Court concluded that accused is not a Juvenile as per Section 12 of the JJ Act. Hence appeal.	It was held by the court that both the lower authorities did not examine the school register and the birth certificate property and have made mistakes in accounting of the date of birth of the appellant/accused. Thus, the order of CBI and the trial court was set aside and the application for juvenility was allowed.
<u>DELHI HIGH COURT</u>	1). Ashok Kumar Aswal vs. Union of India and Others. (Decided on 11.01.2013).	The present petition was filed in the effect that Responded CBI has accorded sanction under Sec. 19(1)(a) of the prevention of	It was held by the court that The Sanctioning Authority must apply its independent mind to the material before it.

		<p>corruption act for the prosecution of the petitioner for the offences punishable under Section 120-B, IPC. The issue was whether or not Sanctioning Authority has absolute discretion to grant or withhold sanction for prosecuting public servant?</p>	<p>The mind of the Sanctioning Authority should not be under pressure from any quarter nor there any external force to take a decision one way or the other. If the discretion of 'not granting sanction' is taken away, the sanction becomes mechanical act and thus a nullity. It was also recorded that on considering matter in its entirety, it was evident that in fact no action was warranted against Petitioner, therefore, Commission's advice for departmental inquiry for major penalty appeared harsh and ends of justice would be met, if an administrative warning was issued to Petitioner for meeting private persons in</p>
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			official matters. Thus the petition was allowed.
	2). K Lal. vs. C.B.I. (Decided on 20.05.2013)	The appellant was charged for the disproportionate assets under prevention of corruption act. Was given rigorous imprisonment by CBI Court under the said provisions of Prevention of corruption Act. Hence appeal.	As the Judgment given by the CBI court is upheld as it is given on the basis of the evidences produced and the telephonic conversation. By the sentence of imprisonment given by the CBI Court is erroneous and they have completely ignored the mitigating circumstances. The Appellant is 70 years of age as he attained the age of superannuation, it was held that too lenient as well as too harsh sentences lose their efficaciousness, while one does not deter and the other may frustrate thereby making the offender a hardened criminal.

	<p>3). Smt. Anjana Batheja and Anthr. Vs. CBI. (Decided on 14.07.2003)</p>	<p>The petition was for releasing of passports deposited by the petitioner to the CBI, as the petitioner committed the offences punishable under various provisions of IPC and prevention of corruption Act. Hence the appeal.</p>	<p>The court concluded that How could be an accused passports of his family members can be ordered to be deposited. Thus the impugned order of CBI Court was illegal and baseless. And thus the order was quashed and the petition was allowed.</p>
<p><u>GUJARAT</u> <u>HIGH COURT</u></p>	<p>1). Balkrishnan Gopiram vs. State of Gujarat and Others. (Decided on 10.04.2015).</p>	<p>Present petition was filed by the petitioner against the registration of FIR and further proceedings by the CBI Court, under few provisions of Prevention of corruption Act and Indian penal code. Hence this appeals whether the FIR would be quashed?</p>	<p>It was further concluded by the court that as company and its officers including petitioner had compounded offence-and thus the initiation of proceedings under provisions of Code for same type of allegations could not be permitted and as moreover neither in the FIR nor in the charge-sheet any specific allegations were levelled against petitioner that he had</p>

			<p>forged any document. Therefore, FIR and other proceedings were quashed. And the petition was allowed.</p>
	<p>2). Nilesh Sureshbhai Shah vs. CBI & Another (Decided on 11.10.2013)</p>	<p>Present petition was filed for discharge of section 120B of the IPC, imposing charges confirmed by the CBI Court. Hence this appeal.</p>	<p>It was concluded by the court that, it was apparent that for purpose of attracting Section 120B of I.P.C., two or more persons should have agreed to commit an illegal act. It was only if person was party to criminal conspiracy that offence under Section 120B of I.P.C. would be attracted. In present case, initially there were two Accused persons named in charge-sheet .However Co-Accused had been discharged by Magistrate and consequently Petitioner remains sole Accused in</p>

			<p>criminal case. One person alone could never be held guilty of criminal conspiracy and therefore provisions of Section 120B of I.P.C. would clearly not be attracted in facts of present case, inasmuch as for hatching criminal conspiracy, two or more persons had to agree to commit an illegal act. Thus petition was allowed.</p>
<p><u>MADHYA PRADESH HIGH COURT</u></p>	<p>1). Smt. Meena Rathore vs. CBI. (Decided on 28.04.2010)</p>	<p>Petition was filed under Section 482 of Cr.P.C seeking quashment of FIR registered by CBI and to quash the charge sheet filed in the CBI Court under various provision of IPC. Hence this appeal.</p>	<p>It was held by the court that Action of CBI and CBI Court did not qualify the requirement of Section 195 of Cr.P.C. As once Section 195 uses the word "complaint" which is defined under Section 2 (d), the complaint must be oral or in writing to a Magistrate. The</p>

			<p>Challan filed by the CBI on some information of somebody in Court would not partake the character of a complaint as provided under Section 2 (d), because it does include a police report. It was one of the rare of rarest case in which inherent powers under Section 482 of Cr.P.C., deserved to be invoked. Hence the FIR needs to be quashed and the proceedings too were quashed on the similar grounds.</p>
<p><u>MADRAS HIGH COURT (MADURAI BENCH)</u></p>	<p>1). R. Markandan Pushapavalli vs. State by its Inspector of Police, CBI. (Decided on 21.03.2011)</p>	<p>The petition was with respect to challenging the conviction held by the CBI court, in charge of disproportionate of assets by the petitioner. Hence this appeal.</p>	<p>The conviction was set aside on the ground that CBI court has not fully examine the documents and were unable to justify the parameters of prevention of corruption act,</p>

			moreover the case of disproportionate of assets could not be initiated as there were no sufficient evidences laid before the learned court of law.
<u>HIGH COURT</u> <u>OF PATNA</u>	1). Rajesh Ranjan alias Pappu Yadav vs. State of Bihar through CBI. (Decided on 21.09.2004).	Petitioner was not granted Bail by the CBI court in allegation of serious crimes imposed and investigated by the CBI Court. Hence this appeal.	The learned court quashed the order of CBI court on probe of threat given to the witnesses to speak against the said applicant. Hereby the petition was allowed but on the satisfactory grounds of being present in the court whenever called up. Thus petition was allowed.
	2). Rajesh Ranjan vs. State of Bihar. (Decided on 17.05.2013)	The conviction held by the CBI Court, against the petitioner for murder, conspiracy was challenged on the ground that confessional statements should not	It was concluded by the court that, it was not safe to rely on confessional statement of one of Appellants when same had been retracted by him after he was remanded to judicial

		<p>be relied upon and moreover documentary evidence was not found by the CBI. Hence appeal.</p>	<p>custody. Confessional statement was admissible but required corroboration in material particulars by other independent evidence. When there was doubt and documentary evidence of no consequence was found, confessional statement could not be relied on. Thus the petition for Bail was granted by the court setting aside the order of CBI Court.</p>
<p><u>PUNJAB & HARYANA HIGH COURT</u></p>	<p>1). Ajay Vir Sehgal vs. CBI. (Decided on 03.05.2005).</p>	<p>The above said petition was filed seeking permission to go abroad for a short period of time. The same relief was dismissed by the CBI court. Hence this appeal.</p>	<p>It was concluded by the court that it is liberty of the petitioner to go abroad and have his work done. Thereafter the order of CBI Court was quashed and the petition was allowed on the ground of surety bonds of Rs. 10 lakhs be submitted to the court.</p>

V). CONVICTION RATES BY CENTRAL BUREAU OF INVESTIGATION
(CBI)

<u>SR.NO</u>	<u>YEAR</u>	<u>CONVICTION RATE</u>
1).	2005	59.5%
2).	2006	60.8%
3).	2007	67.7%
4).	2008	66.2%
5).	2009	Not available
6).	2010	70.8%
7).	2011	67%
8).	2012	58%
9).	2013	56.8%

LEVEL – II ANALYSIS

RE-SEARCH ANALYSIS

<u>SR NO.</u>	<u>COURTS</u>	<u>TOTAL NUMBER OF CASES</u>	<u>RELEVANT CASES WHERE DIRECTION WERE GIVEN TO THE CBI BY HIGH COURT & SUPREME COURT</u>
1	SUPREME COURT	19	6
2	ALLAHABAD HIGH COURT	17	5
3	KOLKATA HIGH COURT	16	4
4	ANDHRA PRADESH HIGH COURT	14	4
5	DELHI HIGH COURT	22	3
6	GUJARAT HIGH COURT	12	2
7	MADHYA PRADESH HIGH COURT	1	1

8	MADRAS HIGH COURT	14	1
9	PATNA HIGH COURT	5	2
10	PUNJAB & HARYANA HIGH COURT	23	1
11	HIMACHAL PRADESH HIGH COURT	1	0
12	JHARKHAND HIGH COURT	7	0
13	KARNATAKA HIGH COURT	8	0
14	KERELA HIGH COURT	9	0
15	ORISSA HIGH COURT	1	0
16	RAJASTHAN HIGH COURT	3	0
17	UTTARAKHAND HIGH COURT	2	0
	TOTAL CASES	174	

LEVEL- III ANALYSIS

GRAPHICAL REPRESENTATION AND ANALYSIS

