NATIONAL CONFERENCE FOR HIGH COURT JUSTICES ON PREVENTION OF CORRUPTION ACT [P-1386]

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The National Judicial Academy organized a National Conference for High Court Justices on Prevention of Corruption Act at NJA Bhopal. The conference was conceptualized to engage High Court Justices in discussion on the issues pertaining to accountability in governance and the judicial role in this context. The key issues involved in the adjudication of cases under the Prevention of Corruption Act, 1988 (PC Act)were discussed in the course of the conference including grant/ refusal of sanction, constitutional and legal protections available to public servants, presumption and burden of proof. The conference sought to enhance and leverage the understanding of the participant judges in a dialogue relating to the comparative analysis of Indian Penal Code, 1860 (IPC) & PC Act and its intricate dynamics. The conference also addressed issues involving court monitored investigation through special investigation teams and other constitutional issues. Proceeds of crime and forfeiture of assets in anti-corruptions cases also formed a part of the deliberations. Anti-Corruption cases are plagued by delay which infracts the fundamental right to speedy trial. The exercise of supervisory jurisdiction of the High Courts to ensure speedy justice in such cases was a vital part of the discussion. The scope and limitations of appellate interference was discussed with reference to Section 19(3) of the PC Act. The programme provided a platform for judges to share experiences, insights, and suggestions.

The first session on the theme **"Comparative Analysis of Indian Penal Code, 1860 & Prevention of Corruption Act, 1988"** commenced with a discussion on the grant of sanction and its rationale. It was considered whether the requirement of sanction operates as an obstruction or impediment to the prosecution of corruption. Sanction is necessary to guard against harassment of public servants. However, it is often employed as a tool to delay or harass a legitimate complainant. The feasibility of doing away with sanction was considered and it was stated that sanction operates as a check and balance to weed out false implication of public servants in cases where the complaint is based on unfavourable views or likes and dislikes rather than a legitimate act of corruption. This further is relevant considering the responsibility vested in the public servant who is exercising authority of the State. Sanction is relevant when the public servant is prosecuted in relation to his office as a vicarious operator of the State and the act he is prosecuted for is an aberration of his public duty. This therefore, requires permission to ensure that the alleged act is

an aberration is both in the eyes of the State and the individual complainant. Accordingly, the assent of the State is required to prosecute the public servant for such acts.

The term 'public servant' was discussed referring to Section 21 IPC. Discussions were undertaken on the twelfth clause of Section 21 and it was considered whether a contractor who is remunerated by fees or commission can be considered a public servant as per this clause. In this regard, the term 'public duty' was discussed referring to Section 2(b) PC Act and the judgments in *Manish Tewari (2005), Dadaji v. State of Maharashtra* and *Lalji (2000).* It was further considered where ministers of Parliament and members of Legislative Assemblies would be termed as public servants. Further it was examined whether employees of banks (nationalized banks as well as co-operative banks) would be public servants. A comparison was drawn between Section 21 (twelfth clause) IPC and Section 2(c)(ix) PC Act. The term 'public servant' was discussed referring to *Central Bureau of Investigation, Bank Securities & Fraud Cell v. Ramesh Gelli & Others* where the Supreme Court has widened the term by referring to the term 'public duty' to include every chairman who is appointed on a whole-time basis, managing director, director, auditor, liquidator, manager and any other employee of a banking company to be a public servant.

The prosecution of public servants was discussed with a comparative analysis of Section 197 Code of Criminal Procedure, 1973 (CrPC) and Section 19 PC Act. Reference was made to the judgment in *Lalu Yadav* (2000). The nexus test was dwelt upon. Further the appropriate authority to grant sanction for prosecution was discussed and the issue of the authority who is to grant sanction in case of elected representatives was considered. Reference was made to *Narasimha Rao* and *Subraminam Swamy* cases. The interpretative issues in Section 21 IPC and the resultant delay in prosecution were noted to be a bottleneck in adjudication of corruption cases. The necessity of effective adjudication of corruption cases was emphasized.

A brief overview was provided of the anti-corruption laws in India with a comparative analysis of the provisions of the PC Act and the IPC. The test to assess whether a person is a public servant was dwelt upon referring to the concept of 'public duty'. It was asserted that a person who get remuneration for performance of a public duty would be a public servant. With regard to public duty (i.e. a duty in the discharge of which the state, public or the community in large has an interest) it was noted that the term 'state' includes a corporation established under a central or state law, an authority or body controlled or aided by the government and a government company.

The requirements of sanction as per Section 19 PC Act and Section 197 CrPC were compared and contrasted. Reference was made to *A Sreenivasa Reddy v. Rakesh Sharma*. It was observed that sanction under PC Act is mandatory *qua* the public servant. In cases under the IPC the necessity of sanction depends on factual aspects and the test in these cases would be the nexus test. It may also be assessed whether the omission or neglect to commit the act would have made the public servant answerable for the charge of dereliction of duty. The public servant may have acted in excess of his duty, but if there Is a reasonable connection between the impugned act and the

performance of the official duty the protective umbrella of S. 197 CrPC cannot be denied so long as the discharge of official duty is not used as a cloak for illicit acts.

It was noted that, sanction being an administrative function, the public servant need not be heard. Grant of sanction requires prima facie satisfaction of the sanctioning authority and the same need not be penned down in great detail mentioning all the evidence collected. The order of refusal to grant sanction may be reviewed and sanction be granted, provided fresh material or new material is placed to show to grant or refusal sanction is perfunctory. The tests to determine the validity of the sanction were discussed –

- Grant of sanction by competent authority
- All relevant evidence was placed before the sanctioning authority
- Application of mind by the sanctioning authority in an objective and impartial manner to conclude that the public servant is to be prosecuted.

The application of mind by the sanctioning authority can be gauged by examining whether -

- The accusation was assessed and weighed in a dispassionate and responsible manner.
- The sanction order reflects the understanding of the facts by the sanctioning authority.
- The point of time: By the authority who is competent to remove the public servant at the time the court has taken cognizance.

Prosecution can prove application of mind by two ways -

- By placing the original sanction order which itself contains the facts constituting the offences and the grounds of satisfaction.
- By adducing evidence aliunde to show the facts placed before the sanctioning authority and the satisfaction arrived at.

It was emphasized that while undertaking judicial review of grant or refusal of sanction, the court cannot issue a mandamus to grant sanction; it can direct revisit of decision on light of new material. Reference was made to *CBI v. Ashok Kumar Aggarwal* (2014) 14 SCC 295. The deemed grant of sanction was discussed referring to *Subramaniam Swamy.*

The second session on **"Arrest, Investigation & Monitoring Supervision under Article 226"** commenced on the CBI manual in comparison to the provisions of CrPC. The provision which provides the state police with the option to drop the charges or refer the file (under Section 173) in a corruption case was discussed and contrasted with the CBI manual para 10.3. It was noted that as per Para 10.3. of the CBI manual the following will not form part of the case diary –

- opinion of the investigating officer, opinion of the supervising officer, opinion of the law officers of the CBI as well as any conflict in the opinions;
- concluding opinion of the investigating officer
- comments of the supervising officer
- Any other facts and circumstances not leading to investigation of the case

It was emphasized that judges should be vigilant to ensure that the courts are not misused as a forum for trial of cases which are unlikely to result in conviction. To this end the High Courts can call for the records as listed in Para 10.3 of the CBI Manual.

The judicial role in monitoring investigations in corruption cases and the parameters for exercise of this role was discussed. Reference was made to *Dharampal v. State of Haryana* (2016) 4 SCC 160 on the issue of necessity for the courts to continuously examine a particular investigation process. The issue of whether sanction is required in cases where the court directs an investigation was discussed and it was asserted that sanction would not be required. Further an executive functionary cannot be placed in a position to permit or deny prosecution in cases where the court in exercise of powers under Article 226 has directed investigation. In cases where the chargesheet has been filed, the charges are framed and the trial has commenced, and thereafter a plea is made for transfer of the matter to another investigative agency, the question that arises is whether the High Court can direct the transfer of investigation. Reference was made to *Anant Thanur Karmuse v. State of Maharashtra,* (2023) 5 SCC 802 to emphasize that the High Court in exercise of jurisdiction under Article 226 can direct the transfer of investigation even after the trial has commenced. It was further discussed in such cases whether the High Court directs further investigation (Section 173(8) CrPC) or fresh investigation or re-investigation. Reference was made to the judgment in *Rama Chaudhary v. State of Bihar,* (2009) 6 SCC 346. Monitoring of investigation and the right of the magistrate in this regard was discussed referring to Section 173(8) CrPC. The role of the High Court in this regard was dwelt upon referring to the judgment in *Vinubhai Haribhai Malaviya v. State of Gujarat,* (2019) 17 SCC 1. Transfer of investigation from an investigating agency to the CBI was discussed referring to *Himanshu Kumar v. State of Chhattisgarh*, 2022 SCC OnLine SC 884 wherein the Supreme Court has cautioned against routine direction of investigation (Para 44). The judgments in *State of West Bengal* v. *Committee for Protection of Democratic Rights, West Bengal*, (2010) 3 SCC 571 and *Secretary, Minor Irrigation & Rural Engineering Services, U.P.* v. *Sahngoo Ram Arya,* (2002) 5 SCC 521, were also referred in this context. It was advised that the court must record a prima facie case for investigation. Further in *K.V. Rajendran* v. *Superintendent of Police, CBCID South Zone, Chennai*, (2013) 12 SCC 480, the Supreme Court has advised that the power to transfer the investigation should be exercised in rare and exceptional cases in the interest of justice, to maintain public trust and confidence in the judicial system, or in cases where the state police lacks credibility and it is necessary for having "a fair, honest and complete investigation". Further, the challenge in dealing with prayer by the accused for transfer of investigation citing prejudice and the issue of whether the accused has a right to request for transfer of investigation was discussed referring to *Romila*

Thapar v. Union of India 2018 10 SCC 753, *Divine Retreat Centre v. State of Kerala,* (2008) 3 SCC 542 and *Charan Singh v. State of Maharashtra* 2021 SCC OnLine SC 251.

Discussions were undertaken on preliminary inquiry in corruption cases and reference was made to *CBI v. Thommandru Hannah Vijayalakshmi,* (2021) 18 SCC 135 which overruled *Subhash Kashinath Mahajan v. State of Maharashtra,* (2018) 6 SCC 454. Consent for investigation by the CBI under Delhi Special Police Establishment Act, 1946 (DSPE Act) was discussed. Reference was made to the judgment in *Ratnesh Verma v. Central Bureau of Investigation and Ors.* (Calcutta High Court MANU/WB/0700/2021). The competent authority to investigate corruption offences was delineated and the offences which can be investigated by the CBI was also noted.

Discussion was undertaken the powers of the High Court vis-à-vis the powers of the investigating agency. The basic idea of a 'hands off' approach to investigation is rooted in the CrPC which prescribes that investigation is the premise of the police while inquiry and trial post-investigation is the premise of the court. Reference was made to the judgment in *King Emperor v. Khwaja Nazir Ahmad,* 1944 SCC OnLine PC 29 which states that investigation and trial are compartments. It was stated that this idea has substantially eroded and even the criminal courts/ magistrates have the power to trigger an investigation (See *Sakiri Vasu*). They may not have inherent powers to investigate, they have necessary incidental powers to see that the investigation directed is conducted in a fair and impartial manner. The court cannot direct the investigation but can call for reports. The High Courts do not look into the investigation from a statutory compliance; rather the High Court, when it exercises its powers under Article 226, acts as a distinct constitutional entity exercising constitutional powers. Therefore, the jurisprudence with regard to the role of courts in investigation does not act as a hindrance for the High Courts to exercise its powers in regard to investigational exercises. On the other hand investigation, being a matter of administrative action, it can definitely fall for judicial review and the challenge lies in this aspect. The exercise of power to direct a continuing mandamus was discussed. It was stated that investigation is an organic exercise; it is a continuous rather than static exercise which may be challenged on various grounds including bias, inaction, excessive action, or contrary to interests of justice. Accordingly, the High Courts cannot stop at a particular stage and the continuing investigation is subject to judicial review. Accordingly in *Vineet Narain v. Union of India* (1998) 1 SCC 226 the Supreme Court coined the expression 'continuing mandamus' whereby the court can monitor the investigation –

- to ensure that the investigation is conduct as per the statutory provisions,
- to guard against bias and malafides,
- in situations where the investigating agency is not considering certain aspects or angles of investigation.
- where the investigation is completely without jurisdiction because the materials do not disclose the suspicion of the commission of a cognisable offence.
- where the investigation is conducted by an officer who is not empowered to investigate the offence.

Reference was made to the judgment in *Manohar Lal Sharma v. Principal Secy.*, (2014) 2 SCC 532 wherein the role of the court in monitoring investigation was likened to a sentinel of justice The court does not participate in the investigation but acts as a conscience keeper to ensure statutory compliance by the investigating agency and to ensure the investigating agency is insulated from external bias and prejudice. The High Court while monitoring investigation plays a passive role in such cases and does not step into the shoes of the investigating agency. The judges were advised to ensure that they do not intrude into the function of the investigator; rather they should advise and not mandate.

The investigation of crimes are essentially matters which fall into List II Entry 2 - matters related to police and its activities, and are within the domain of the state police. CrPC although a product of the Concurrent list empowers the police to investigate crimes. In case of special laws enacted under List I Entry 80 or Entry 2A which create special agencies for investigation of crimes which fall within the pith and substance of the entries in List I the central government agencies have jurisdiction to investigate crimes. Reference was made to Sections 3, 5 and 6 of the DSPE Act. It was stated that Section 3 classifies offences and is independent of territorial jurisdiction. Section 5 deals with territorial jurisdiction and extends the jurisdiction and powers of the members of the Delhi Special Police Establishment for purposes of investigation. In case of offence occurs in railway areas or in Union Territories Section 5 does not come into play. Section 5 comes into play when the offence (under Section 3) occurs in the area within the jurisdiction of the state and the state police. In case of extension of the powers under the DSPE Act to offences occurring in the state jurisdiction, the consent of the state for such extension is necessary as per Section 6. It was stated that certain states have withdrawn consent; however such withdrawal of consent does not affect pending cases. (*Kazi Lhendup Dorji v. CBI*, 1994 Supp (2) SCC 116) In cases where parts of the offence are committed within territories which are not within the strict control of the state (e.g. Mines administered and protected by central agencies) and involving officers of the Union of India, the view taken in *Ratnesh Verma v. Central Bureau of Investigation and Ors.* (Calcutta High Court MANU/WB/0700/2021) was noted wherein it was held that in such cases the requirement of Section 6, DSPE Act may not be relevant. In cattle smuggling cases which are committed in state territory but with the connivance of officers of the Border Security Forces, with the cattle seized were entrusted to the Border Security Forces and kept in territory administered and controlled by the Border Security Forces, then the origination of the crime took place beyond the territorial jurisdiction of the State. The requirement of state consent under Section 6, DSPE Act is a factual analysis of the totality of the offence and the players in the crime. Further, it was stated that recording of an observation of institutional bias in cases where an officer of the investigating agency does not cooperate may not be advisable. Constitution of Special Investigation Team monitored by the High Court was also discussed. It was observed that the joint operation of an agency constituted under List II Entry II and an agency under List I (i.e. Delhi Special Police) under the supervision and monitoring of the High Court under Article 226 is a second generation of constitutional interpretation of Section 6. This measure creates a new agency comprising of Union and State agencies under the supervision of the High Court. The legality of such measure

has yet to be determined. However, in an era of cooperative federalism this may be an innovative step to ensure rule of law and fair investigation in keeping with the constitutional ethos.

It was discussed whether the CBI manual overrides the CrPC. It was opined that the CBI manual does not have statutory force; it is an administrative document which guides the CBI officials. It does create legal right to a third party until and unless prejudice is demonstrated. Reference was made to *State v. N.S. Gnaneswaran,* (2013) 3 SCC 594. It was stated that preliminary investigation is a product of the CBI manual. It was genesis of the practice of preliminary inquiry was discussed and the misuse of the same was noted. This issue was considered in *Lalita Kumari v. Govt. of U.P.*, (2014) 2 SCC 1 and the Supreme Court held that –

- registration of FIR must mandatorily be registered as soon as the information disclosing commission of a cognizable offence is received.
- If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.
- The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.
- The cases in which preliminary inquiry is to be conducted depends on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are include matrimonial disputes/family disputes, commercial offences, medical negligence cases, corruption cases, and cases where there is abnormal delay/laches in initiating criminal prosecution.
- The preliminary inquiry should be conducted in a time bound manner.

Preliminary inquiry in corruption cases is bound by the directions in *Lalita Kumari.* The question that arises is whether preliminary inquiry is a must in all corruption cases. The Supreme Court has answered this issue in the negative in *State of Telangana v. Managipet*, (2019) 19 SCC 87. Where the information discloses a palpable case, the investigating officer is not required to undertake preliminary inquiry and can directly proceed with registration of the FIR. In cases where the report subsequent to the preliminary inquiry states that FIR need not be registered, the Supreme Court held in *Charansingh v. State of Maharashtra,* (2021) 5 SCC 469 that even in such cases if the materials on record and the facts disclosed satisfy the court to suspect the commission of a corruption offence, the court can mandate the registration of an FIR. With regard to Section 6A, DSPE Act which requires approval of the Central Government for investigation or inquiry into offences under the PC Act, the tussle between the idea of enhancement of access to justice and the efforts to bring in the requirement of approval or sanction in investigation and prosecution of superior officers of the State was underscored. Reference was made to Section 17A PC Act, *Vineet Narain, K. Veeraswami v. Union of India,* (1991) 3 SCC 655. This provision was struck down in *Subramanian Swamy v. CBI,* (2014) 8 SCC 682 as violative of Article 14. However, Section 17A

PC Act which does not specify the class of officers (as done in Section 6A, DSPE Act) but it relates to decision-making officials. Reference was made to *CBI v. R.R. Kishore*, 2023 SCC OnLine SC 1146 wherein the judgment in *Subramanian Swamy* was held to have retrospective effect. The issue that remains to be decide is whether Section 17A PC Act would be applicable to cases committed prior to its promulgation or will apply to cases where the FIR is registered after its promulgation.

The third session on **"Adjudication of Corruption Offences"** commenced highlighting the issue of corruption in India and the implications of corruption. The approach to corruption cases was examined and it was stated that corruption cases should be treated on a different footing from regular IPC offences. Discussion was undertaken on trap cases and the mechanism adopted in trap cases. It was noted that very few witnesses are required in trap cases. The notable challenges in trap cases were identified and discussed-

- Whether the explanation given by the accused for receiving the money is possible, plausible or probable.
- The degree of rebuttal of the presumptions in trap cases.
- Possibility of malice or extraneous reasons for the complaint & genuineness of the complaint.

Cases where it is claimed that there was no demand for bribe and that the bribe was given spontaneously by the other party as a means to get some work expedited were examined and it was stated that even in cases of absence of demand, the acceptance of the bribe is sufficient to attract Sections 7 & 13(1)(b) PC Act.

Discussions were undertaken on the future nature of bribe and it was stated that the conventional methods of trap cases using Phenolphthalein will become irrelevant and redundant as most of the cases will involve online transfer of money rather than physical transfer of money. In online transfers, the evidence is created but it may be possible that the transfers are made to accounts in the name of other persons instead of the public servant. This poses a challenge to track and prosecute cases of transfer of bribe involving third parties. There is an urgent need to relook at the provisions of the PC Act to address the issues involving the mechanism of e-transfer of bribes including dealing with electronic evidence. Further, the proximity between the bribe giver and the recipient of the bribe including the person who receives the bribe on behalf of the public servant needs to be holistically looked into rather than in compartments. Reference was made to *Neeraj Dutta v. State (NCT of Delhi),* (2023) 4 SCC 731 wherein it was held that even in the absence of direct evidence of the complainant, demand of illegal gratification may be proved through circumstantial evidence, direct evidence of other witnesses or documentary evidence. Discussions were undertaken on cases of disproportionate assets and data required and formula to determine quantum of disproportionate assets.

The fourth session on **"Appellate and Revisional Powers of the High Court vis-à-vis Corruption Cases"** commenced emphasizing on the duty of the High Court to create a balance between maintaining integrity of the judicial process, detection of crime, constitutional rights, interests of the people and fair trial rights. Discussion was undertaken on Section 397 CrPC and reference was made to *Madhu Limaye v. State of Maharashtra*, (1977) 4 SCC 551, *Amar Nath v. State of Haryana*, (1977) 4 SCC 137 and Asian Resurfacing. The was debated whether in cases where there is a gross error can the High Court examine the issue in a Section 482 CrPC petition. It was stated that the powers of the High Court under Section 482 CrPC are wide and the High Court can examine the issue. This issue was noted in *Asian Resurfacing.*

The concept of criminal misconduct was discussed and it was stated that in determination of whether an act constitutes criminal misconduct, it is required to be examined whether the act was a negligent act; thereafter whether the act amounted to misconduct; and finally if the said misconduct amounted to criminal misconduct. Criminal misconduct would mean that the act has been done dishonestly and with a fraudulent intention. Discussion was undertaken on the issue of whether the High Court can go into disputed question of facts. Thereafter the parameters for determination of disproportionate assets was considered at length. It was stated that the offence is attracted when the accused fails to give a plausible explanation for the assets in question. In this context it is required to seek an explanation from the accused by putting the incriminating materials to him/her. In this context the onus and burden of proof alongwith the presumption in corruption cases was examined.

An appeal under Section 27 PC Act is a statutory appeal and hence is an appeal on facts as well as law. The High Court does not sit merely to find out the illegalities in the impugned judgment but there has to be an element of appreciation of evidence in the matter. The High Court is required to examine the evidence to confirm the finding by the trial court, and thereafter examine if there is any anomaly or if the finding of the court is one of the plausible outcomes. The same standard applies to complainant's appeal under Section 392 Proviso. In a state appeal the High Court can only interfere if the finding of the trial court is perverse. The High Court ought not to interfere in cases where two views are possible and the view taken by the High Court is one of the possible views. Suspension of sentence was discussed and it was stated that if the High Court is not in position to hear the appeal, the sentence should be suspended. Discussions were undertaken on Section 389 CrPC in this context. Further, stay of conviction in appeal was dwelt upon and reference was made to *K.C. Sareen v. CBI, Chandigarh* 2001(6) SCC 584 wherein it was stated that the same may be exercised only in exceptional cases. The reason behind the same is that the presumption of innocence is applicable till the trial is concluded and the accused is found guilty.

The presumption of innocence does not apply once the accused is found guilty. Discussion was undertaken on the evidentiary value of approver's evidence.

The scope of revision under Section 482 CrPC was dwelt upon and the revisionary powers of the High Court were discussed. It was stated that the court has a duty to look into the judgment that is challenged in appeal to ascertain whether the grounds cited in the appeal are frivolous or insubstantial in nature. Discussion was undertaken on Section 384 CrPC which provides for summary dismissal of appeal. It was stated summary dismissal of appeal can only be done when the record is summoned and seen, and after hearing the appellant. The challenges in exercising the power under Section 384 CrPC were noted

The fifth session on **"Delay vis-à-vis Speedy Justice: Role of High Courts"** involved a discussion on the major causes for delay were examined. Delays attributable to the accused and the challenges in ensuring expeditious trial were also discussed referring to the judgment in *Atma Ram v. State of Rajasthan*, (2019) 20 SCC 481. Emphasis was placed on the need for recording pertinent details regarding the trial in the order by the trial court. This would enable the appellate court to understand the factors and causes for delay. Lack of requisite infrastructure and human resources were noted as reasons for delay in adjudication of cases under PC Act. Reference was made to the judgment in *Criminal Trials Guidelines Regarding Inadequacies and Deficiencies, In re*, (2021) 10 SCC 598. Delay in grant of sanction for prosecution was also dwelt upon as a factor resulting in delay. Emphasis was placed on training of judges to enable them to deal effectively with corruption cases. Training was stated to be required on varied aspects including framing of charge, aspects impacting fair trial, dealing with adjournments etc. Discussions were undertaken on Section 299 CrPC which empowers the court to record evidence in the absence of the accused. The hesitance in using this provision (on account of the perception that this provision would create more work) was noted. Section 309 CrPC and Section 22(b) PC Act were also dwelt upon on the aspect of day-to-day recording of evidence. Reference was made to the judgment in *Manohar Lal Sharma v. Principal Secretary and ors.* [Coal Block allocation cases] (2014) 9 SCC 614 wherein it was held that the powers under Section 482 CrPC and Article 227 of the Constitution of India have to be exercised with circumspection only in cases where there is a likelihood of miscarriage of justice; and that the order of framing of charge being an interlocutory order cannot be interfered with under Sections 397(2) or 482 CrPC. Reference was made to *Kartar Singh v. State of Punjab* (1994) 3 SCC 569 wherein it was held that stay of proceedings 'on any other ground' under Section 19(3) PC Act is not be granted on in cases of error, omission or irregularity in sanction for prosecution resulting in failure of justice. The delay on account of stay orders was noted and the judgment in *Asian Resurfacing of Road Agency (P) Ltd. v. CBI*, (2018) 16 SCC 299 (Paras 31 and 32) and the review of the judgment by the Supreme Court (*High Court Bar Association, Allahabad v. State of UP*, 2024 SCC OnLine SC 207 were dwelt upon. The challenges in dealing with cases of criminal conspiracy (on account of the number of accused and submission of voluminous

documents in the trial) were discussed. It was suggested that written submissions may be sought from the parties to enable the court to deal effectively with the case. Further, it was advised that short dates should be granted in corruption cases, and evidence of the witnesses should be conducted on a day-to-day basis. Emphasis was placed on sifting of evidence and the use of Section 294 CrPC to prune the witness and evidence by admitting documents in the trial. This would be particularly useful in disproportionate assets cases. Delay in sanction for prosecution, and lack of special public prosecutors was noted to be a major causes resulting in delay in adjudication of corruption cases. The implications and outcomes of delay in adjudication of corruption cases which result in failure of justice to the accused were underscored. Delay was noted to be factor which might be used as tool to harass public servants. Discussions were undertaken on the judgments in *P. Ramachandra Rao v. State of Karnataka*, (2002) 4 SCC 578, *Niranjan Hemchandra Sashittal v. State of Maharashtra*, (2013) 4 SCC 642 and *Madhu Limaye v. State of Maharashtra*, (1977) 4 SCC 551