



Crl.R.C.No.1350 of 2024

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and Crl.M.P.No.11548 of 2024

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N.SESHASAYEE.J.,

This case is listed under the caption 'for being mentioned' at the instance of the learned Prosecutor.

2. The petitioner in the revision petition had challenged the order of the learned trial Court dismissing her application for discharging her from the case on the ground that sanction under Sec.197 Cr.P.C., had not been obtained. In its order dated 10.09.2024, this Court was satisfied with the contention and discharged the petitioner.

3. The learned Prosecutor submitted that in terms of the judgment of the Hon'ble Supreme Court in *Nanjappa Vs State of Karnataka* [(2015) 14 SCC 186], if the Court were to discharge the accused for non-issuance of sanction under Sec.197 Cr.P.C., then the parties must be relegated to the original position and the case can continue, if the prosecution is able to secure a subsequent sanction. This part of the ratio is not incorporated in the order of this Court. On the other hand, the learned counsel for the revision petitioner placed reliance on the authority in *Smt.Sooraj Devi Vs Pyare Lal*



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and another [(1981) 1 SCC 500] to the effect that only arithmetical error occasioned in an order by an accidental slip can be corrected later and not the substantive part.

4. The prosecution does not require this Court to review the order to bring in a change in the ratio it has spelt out but only requires the Court to add the ratio which was omitted to be stated.

5. The order of this Court dated 10.09.2024, was merely silent as to what could be done once the petitioner is discharged. This Court considers that given the ratio of the Hon'ble Supreme Court which is the law declared by it on the point, this Court, without any attempt to review the order it had already passed, merely adds only one following sentence to paragraph No.9 of its order.

“ Both sides are relegated to the position prior to the Court taking cognizance of the offence and it is left to the prosecution to obtain necessary sanction under Sec.197 Cr.P.C., and if so done within a reasonable time, the Special Court is required to take cognizance of the offence.”



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Accordingly, paragraph 9 of the order of this Court dated 10.09.2024 in

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“9. It may be that the trial has commenced, but inasmuch as the sanction is not seen to have accorded for prosecuting the revision petitioner under Section 197 Cr.P.C., it is futile to require her to undergo the ordeal of trial. This Court therefore allows this revision and discharges the revision petitioner of the charges framed against her in Spl.C.C.No.7 of 2019 on the file of Special Judge, Court of Chief Judicial Magistrate, Vellore. Both sides are relegated to the position prior to the Court taking cognizance of the offence and it is left to the prosecution to obtain necessary sanction under Sec.197 Cr.P.C., and if so done within a reasonable time, the Special Court is required to take cognizance of the offence. Consequently, connected miscellaneous petition is closed. “

6. Registry is required to carry out necessary corrections in the order dated 10.09.2024 in Crl.RC.No.1350 of 2024 and is directed to issue fresh certified copy to the counsel for the revision petitioner, free of charges.

03.01.2025

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