

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.1051 OF 2022
[Arising out of SLP (CrI.) No.9567 of 2019]**

S.K. TONGIA

APPELLANT(S)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

RESPONDENT(S)

WITH

**CRIMINAL APPEAL NO. 1053 OF 2022
[Arising out of SLP(CrI.) No. 10342 of 2019]**

**CRIMINAL APPEAL NO.1054 OF 2022
[Arising out of SLP(CrI.) No. 1798 of 2022]**

**CRIMINAL APPEAL NO.1055 OF 2022
[Arising out of SLP(CrI.) No. 729 of 2022]**

**CRIMINAL APPEAL NO.1056 OF 2022
[Arising out of SLP(CrI.) No. 9829 of 2019]**

**CRIMINAL APPEAL NO.1057 OF 2022
[Arising out of SLP(CrI.) No. 10015 of 2019]**

**CRIMINAL APPEAL NO.1058 OF 2022
[Arising out of SLP(CrI.) No. 10629 of 2019]**

J U D G M E N T

B.R. GAVAI, J.

1. Leave granted.

2. The appellants have approached this Court being aggrieved by the judgment passed by the Delhi High Court dated 29th July 2019, by which the learned Single Judge of the High Court set aside the order dated 7th October 2015 passed by the Special Judge (PC ACT)/CBI – 01, New Delhi District, Patiala House Court, New Delhi.

3. By the order dated 7th October 2015, the learned Special Judge had directed that charges be framed against five accused for the offences punishable under Section 120-B of the Indian Penal Code, 1860 (for short 'IPC') read with Sections 13(2) and 13(1)(d) of the Prevention of Corruption Act, 1988 (for short "the PC Act") and Sections 420, 465, 468 and 471 of the IPC. It had further directed the charges be framed against some of the accused under Section 13(2) read with Section 13(1)(d) of the PC Act as well as Sections 420, 465, 468 and 471 of the IPC. However, insofar as the present appellants are concerned, the learned Special Judge had discharged the accused persons.

4. Being aggrieved thereby, the respondent–Central Bureau of Investigation (CBI) as well as the accused persons against whom the charges were framed, filed revision

petitions before the Delhi High Court. By the impugned judgment, the learned Single Judge of the High Court set aside the order dated 7th October 2015 and directed the trial court to hear the parties on merit afresh after duly supplying the copy of videography of the inspection carried out by Medical Council of India (MCI) on 20th October 2008, which was subsequently seized by CBI, to all the accused persons.

5. It is the contention of the learned counsel for the appellants that though, by an elaborate order, the learned trial court had found that no *prima facie* case was made out against the appellants, the High Court however, without assigning any reasons, has set aside the order discharging them. They submit that if the order of discharge had to be reversed, the least that was expected of the High Court was to give reasons as to why it found error with the order of the trial court and reasons as to why a *prima facie* case was made out against the appellants.

6. Mr. S. V. Raju, learned Additional Solicitor General has opposed the appeals. He submitted that by the impugned judgment, the learned Single Judge of the High Court has only remanded back the matter to the trial court. He

submitted that all these issues will be considered by the trial court on remand, and as such, no prejudice will be caused to the appellants. He further submitted that insofar as the direction to supply the copies of videography in some of the matters is concerned, no copy of videography is available in some of the matters.

7. We have perused the impugned judgment. Though the High Court has laboured to pen down a judgment of 66 paragraphs, there is no reasoning at all as to why it found error with the order of the learned trial court discharging the appellants. By the impugned judgment, a valuable right which accrued in favour of the appellants of being discharged, has been taken away without assigning any reasons.

8. On this short ground, we find that the impugned judgment is liable to be quashed and set aside.

9. In the result, we allow the appeals. The impugned judgment dated 29th July 2019 is quashed and set aside. The matters are remitted back to the High Court for considering the matters afresh on merits and decide them in accordance with law in light of the observations made hereinabove.

10. Insofar as the contention of the respondent-CBI with regard to unavailability of copies of videography in some cases is concerned, the respondent-CBI would be at liberty to bring this fact to the notice of the High Court and the same shall be considered in accordance with law.

11. Pending application(s), if any, stands disposed of.

.....**J.**
(B.R. GAVAI)

.....**J.**
(PAMIDIGHANTAM SRI NARASIMHA)

New Delhi;
27th July, 2022.