

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

UNDER ARTICLE 136 OF THE CONSTITUTION OF INDIA

SPECIAL LEAVE PETITION (CRL) NO. OF 2014

(Against the Judgment and Final Order dated 17.02.2014
passed by Hon'ble High Court of Jharkhand at Ranchi in
W.P. (Cr.) No. 128 of 2013)

IN THE MATTER OF:

SITA SOREN

...PETITIONER

VERSUS

UNION OF INDIA THROUGH C.B.I.

...RESPONDENT

WITH

CRL. M.P.NO. OF 2014

AN APPLICATION FOR AD INTERIM EX-PARTE BAIL

PAPER BOOK

[KINDLY SEE INSIDSE FOR INDEX]

ADVOCATE FOR PETITIONER: VIVEK SINGH

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PROFORMA FOR FIRST LISTING

SECTION:IIA

The case pertains to (Please tick/check the correct box):

- Central Act: The Constitution of India
- Section : Article 194 (2) of the Constitution of India
- Central Rule : NA
- RuleNo(s):NA
- State Act: (Title)NA
- Section :NA
- State Rule : (Title)NA
- Rule No(s):NA
- Impugned Interim Order : (Date)
- Impugned Final Order/Decree : (Date) 17.02.2014
- High Court: (Name) Hon'ble High Court of Jharkhand at Ranchi
- Names of Judges:Hon'ble Mr. Justice R.R.Prasad
- Tribunal/Authority : (Name)NA

1. Nature of matter: Civil- Criminal-Yes

2. (a) Petitioner/appellant No. 1 : Sita Soren

(b) e-mail ID:NA

(c) Mobile phone number: NA

3. (a) Respondent No. 1: Union of India through C.B.I..

(b) e-mail ID:NA

(c) Mobile phone number: NA

4. (a) Main category classification: 14 Criminal Matters

No. of sub-category with full name – 1418 Others

(b) Sub classification: _____

5. Not to be listed before: NA

6. Similar/Pending matter: NA

7. **Criminal Matters:**

(a) Whether accused/convict has surrendered:
Yes No

(b) FIR No. RC 02(S)/2012-AHD-R
Date:19.4.2012

(c) Police Station: Ranchi CBI, AHD, RANCHI

(d) Sentence Awarded: Trial Pending

(e) Sentence Undergone: Trial Pending. Petitioner is in custody since 25/02/2014.

8. Land Acquisition Matters:

(a) Date of Section 4 notification: NA _____

(b) Date of Section 6 notification: NA _____

(c) Date of Section 17 notification: NA _____

9. Tax Matters: State the tax effect: _____

10. Special Category (first petitioner/appellant only):

Senior citizen SC/ST √Woman Disabled Legal Aid case √ In custody

11. Vehicle Number (in case of Motor Accident Claim matters):

12. Decided cases with citation:

Date: 26.03.2014

[VIVEK SINGH]
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SYNOPSIS

In the instant case the petitioner, a member of Jharkhand Legislative Assembly, had been alleged to have received bribe from a candidate 'X' for casting her vote in his favour in the election to the Upper House of Parliament but has casted her vote in favour of another candidate 'Y'.

The instant Special Leave Petition is directed against impugned Judgment of the Hon'ble High Court of Jharkhand whereby the Hon'ble High Court dismissed the Writ Petition challenging the cognizance of the offences u/s 120 B and 171 (E) of IPC and u/s 13(2) read with s.13(1)(d) of the Prevention of Corruption Act against the petitioner.

The Hon'ble High Court has failed to appreciate the width of immunity given under Article 194(2) of the Constitution of India to the member of Legislature of a State in respect of vote given in the Legislature.

Article 194 (2) of the Constitution of India is quoted herein for ready reference:-

194. Powers, privileges, etc., of the House of Legislatures and of the members and committees thereof-(1).....

(2) No member of the Legislature of a State shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the

authority of a House of such a Legislature of any report, paper, votes or proceedings.”

It is respectfully submitted that Article 194 (2) of the constitution is parameteria of the provision as contained in Article 105(2) of the Constitution.

The issue of immunity conferred upon a member from proceeding in any court in respect of vote given by him in legislature is no longer res integra and the Constitution Bench of this Hon’ble Court in P.V. Narsimha Rao vs State (CBI-SPE) [1998 (4) SCC 626] has held in para 133 and 136 that anything concerning or relating or connecting or having nexus with giving vote is protected. The same is reproduced as under:

*“133. Broadly interpreted, as we think it should be, Article 105(2) protects a Member of Parliament against proceedings in court that **relate to, or concern, or have a connection or nexus with anything said, or a vote given,** by him in Parliament.*

136. The object of the protection is to enable Members to speak their mind in Parliament and vote in the same way, freed of the fear of being made answerable on that account in a court of law. It is not enough that Members should be protected against civil action and criminal proceedings, the cause of action of which is their speech or their vote. To enable Members to participate fearlessly in parliamentary debates, Members need the wider protection of immunity against all civil and criminal proceedings that bear a nexus to their speech or vote. It is for that reason that a

Member is not “liable to any proceedings in any court in respect of anything said or any vote given by him”.

The Hon’ble High Court gravely erred in considering as to whether she had voted in favour of the person from whom she had allegedly taken money or not. Whereas the protection would inure to her once she has voted in the house. It is respectfully submitted that anything done in connection to vote cannot be enquired into by any Court and whether the petitioner has voted to the person from whom allegedly she had taken money is also a matter relating to casting of vote and thus will squarely be covered by Article 194(2) of the Constitution as well as by the judgment of the Constitution Bench of this Hon’ble Court in P.V. Narsimha Rao vs State (CBI-SPE) [1998 (4) SCC 626].

The Constitution Bench of this Hon’ble Court in P.V. Narsimha Rao vs State (CBI-SPE) [1998 (4) SCC 626] by majority has further held as under:

“135. While it is true that the charge against them does not refer to the votes that the alleged bribe-takers, Ajit Singh excluded, actually cast against the no-confidence motion and that it may be established dehors those votes, as the Attorney General argued, we do not think that we can ignore the fact that the votes were cast and, if the facts alleged against the bribe-takers are true, that they were cast pursuant to the alleged conspiracy and agreement. It must then follow, given that the expression “in respect of” must receive a broad meaning, that the alleged conspiracy and

agreement had a nexus to and were in respect of those votes and that the proposed inquiry in the criminal proceedings is in regard to the motivation thereof.

143. Our conclusion is that the alleged bribe-takers, other than Ajit Singh, have the protection of Article 105(2) and are not answerable in a court of law for the alleged conspiracy and agreement. The charges against them must fail. Ajit Singh, not having cast a vote on the no-confidence motion, derives no immunity from Article 105(2).

The Hon'ble High Court gravely erred in not extending the benefit of judgment of P.V. Narsimha Rao vs State (CBI-SPE) (supra) to the petitioner and erred in equating the case of the petitioner with that of Ajit Singh's case in P.V. Narsimha Rao vs State (CBI-SPE) (supra). The Hon'ble High Court gravely erred in not appreciating that the petitioner's case is totally different from the case of Ajit Singh in P.V. Narsimha Rao vs State (CBI-SPE) (supra) and cannot be equated to the case of Ajit Singh's as herein the petitioner casted her vote but Ajit Singh did not cast his vote at all in P.V. Narsimha Rao vs State (CBI-SPE) (supra). And therefore the petitioner's alleged act of taking bribe for casting vote in legislature is protected under Article 194 (2) of the Constitution of India.

Thus, the Hon'ble High Court gravely erred in interpreting the Judgment of the Constitution Bench of this Hon'ble Court in P.V. Narsimha Rao vs State (CBI-SPE) [1998 (4) SCC 626]. The case of the petitioner is squarely covered by the judgment of this Hon'ble

Court and the petitioner is entitled for the immunity as provided in Article 194(2) of the Constitution of India and therefore, the impugned judgment is liable to be set-aside and order taking cognizance against the petitioner be quashed.

LIST OF DATES

DATES	EVENTS
December 2009	Elections were held for Jharkhand Assembly and the results were announced. The petitioner was elected from Jama (ST) seat as Jharkhand Mukti Morcha candidate.
12.03.2012	The Secretary to the Election Commission of India vide notification no. 318/1/2012 announced election to elect two members to Rajya Sabha to fill the vacancies of two members who were earlier elected to represent the State of Jharkhand and were due to retire on the 2 nd April, 2012 on the expiration of their term of office. 19 th March, 2012 was fixed for scrutiny of nomination papers. 22 nd March, 2012 was fixed for withdrawal of nomination and 30 th March, 2012 was fixed for poll.
27.03.2012	Shri Babulal Marandi and Dr Ajay Kumar both Members of Parliament (LS) of Jharkhand Vikas Morcha lodged a complain to Chief Election Commissioner of India alleging horse trading at Rajya

Sabha election for filling up two seats in Rajya Sabha from State of Jharkhand.

30.03.2012 On the date of poll at about 6.30 am in the morning, as a result of the vigil of the tax authorities and the police, Rs.2.15 crores, in cash, were apprehended by the Income Tax authorities from a car bearing no. JH-01AC-2185. The custodian of the cash in the vehicle, Mr. Sudhanshu Tripathi, explained that the cash was handed over to him by Mr. Soumitra Sen, son-in-law of one of the independent candidate namely R.K. Agarwal, which was being transported from Jamshedpur to Ranchi.

That the Petitioner had cast her vote in the Rajya Sabha elections on 30.03.2012.

31.03.2012 Taking a serious note of the above developments, the Election Commission recommended to the Hon'ble President to rescind the notification dated 12.03.2012 in so far as it related to the electoral process in respect of the biennial election to the Rajya Sabha from Jharkhand.

On the above recommendation of the election commission, the Hon'ble President was pleased to rescind the aforesaid notification.

05.04.2012 The Hon'ble High Court in W.P (PIL) No. 1802 of

2012 was pleased to direct the Election Commission to hand over the matter Central Bureau of Investigation.

- 19.04.2012 Central Bureau of Investigation instead of instituting a fresh FIR re-registered Namkum P.S. Case No. 58 of 2012.
- 03.05.2012 Re-election was held for Rajya Sabha. That in the re-election held for the Rajya Sabha, the Petitioner casted her vote.
- 18.05.2013 That the Speaker of the Jharkhand Legislative Assembly accorded sanction for prosecution of the Petitioner under section 19 of the Prevention of Corruption Act, 1998 and under Section 197 of the Code of Criminal Procedure, 1973.
- 03.06.2013 That the Respondent on investigation filed chargesheet against the Petitioner on 03.06.2013 under sections 120(B) and 171 (E) of the Indian Penal Code and sections 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988. It has been alleged that the petitioner received bribe from the candidate R.K.Agarwal for casting vote.
- 07.06.2013 That the court of Sri R.K. Choudhary, Spl. Judge, CBI, on 07.06.2013, took cognizance of offence under sections section 120(B) and Section 13(2) r/w 13(1)(d)

of the Prevention of Corruption Act, 1988 against the
Petitioner.

18.6.2013 That the petitioner filed Writ petition (Crl) No. 128 of
2013 before the Hon'ble High Court for direction
quashing the entire proceeding including the
chargesheet bearing No. 04/2013 dated 07.06.2013. As
the Petitioner cannot be prosecuted criminally as the
provision contained in Section 194(2) of the
Constitution of India confers immunity upon a person
from proceeding in any court in respect of vote given
by him in the Legislature and, as such, any prosecution
of the Petitioner is against the mandate of the
Constitution and, thereby, the order taking cognizance
is fit to be quashed.

17.02.2104 Hon'ble High Court dismissed the Writ Petition (Cr.)
No.128/2013 filed by the Petitioner.

25.02.2014 The petitioner surrendered herself and is in custody.

26.03.2014 Hence the Present Special Leave Petition.

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (Cr.) No. 128 of 2013

Sita Soren Petitioner

Versus

Union of India through C.B.I. Opp. Party

Coram: The Hon'ble Mr. Justice R.R. Prasad

For the petitioner : Mr. Jitender Singh, Sr. Advocate

M/s Indrajeet Sinha, K. Sarkhel

For the C.B.I. : Md. Mokhtar Khan , ASGI

ORDER

C.A.V. On 12/02/2014

Delivered on 17/02/2014

4/17.02.2014

The question, which does arise as to whether Article 194 (2) of the Constitution of India confers any immunity on the Members of Legislative Assembly for being prosecuted in a criminal Court of an offence involving offer or acceptance of bribe.

2. Before advertng to the submissions, advanced on behalf of the parties, the case of the prosecution needs to be taken notice of.

3. The Election Commission of India, vide its Notification No. 318/1/2012 dated 12th March, 2012, did notify to fill up two vacant seats of Rajya Sabha from Jharkhand by 31st March, 2012. 19th

March, 2012, was fixed as a last date for filing nomination. 20th March, 2012, was fixed for scrutiny of nomination papers. 22nd March, 2012, was fixed for withdrawal of nomination and 30th March, 2012, was fixed for poll. Six candidates, namely, Praveen Kumar Singh, Pradeep Kumar Balmuchu, Sanjeev Kumar, Ansuman Mishra, Pawan Kumar Dhoot and Raj Kumar Agarwal, having allegiance to different political parties including the independent candidates, filed their nominations. According to the case of the CBI, none of the major political parties, which fielded its candidate in the election, had decisive majority to get its candidate elected. In such situation, some of the independent candidates, such as, Raj Kumar Agarwal, Ansuman Mishra and Pawan Kumar Dhoot, jumped in the fray . Jharkhand Mukti Morcha (JMM) had fielded its candidate Sanjeev Kumar. Nevertheless, 10 Members of the Legislative Assembly of Jharkhand Mukti Morcha including the petitioner, did propose to nominate R.K.Agarwal, an independent candidate.

Meanwhile, two Members of the Parliament, namely, Babu Lal Marandi and Dr. Ajay Kumar, lodged a complaint on 27/03/2012, fore the Chief Election Commissioner of India, alleging therein that there is every possibility of the process of election being influenced by the money power as some of the Members have indulged themselves in Horse Trading. On getting this complaint, the Election Commission of India, on 27/03/2012, alarmed all the departments including the Income Tax Department to check the menace of Horse Trading and use of money power. The Chief Commissioner of Income Tax,

Ranchi, in the late night of 29/03/2012, received information to the effect that huge money is being taken from Jamshedpur to Ranchi for distribution amongst some of the Members, who will be participating in the election. On receiving such information, Income Tax authority, with the help of the local police, put a picket on Jamshedpur- Ranchi Highway. During that course, an Innova car was intercepted from which unaccounted cash of Rs. 2.15 crores were recovered. One Sudhanshu Tripathy, the custodian of the cash, explained that the cash of Rs. 2.15 crores had been handed over to him by Sumitra Sah, son-in-law of R.K.Agarwal to be handed over to Arun Kumar Khandelwal, an employee of M/s Jay Shree Motors, Ranchi, belonging to R.K.Agarwal. Upon seizure of cash, the then Dy. Director, Income Tax, Ranchi, lodged a written complaint to Officer-Incharge of Namkum Police Station, Ranchi, which was registered as Namkum P.S. Case No. 58 of 2012 on 30/03/2012, under Section 171(F) and 188 of the Indian Penal Code. Thereupon, this Court, in a Public Interest Litigation (PIL) when did find it a grave case of involvement of money power, Horse Trading to influence the process of the election of the Council of the States, directed the CBI to take up the Investigation relating to the criminality of the persons involved. In compliance with the order, Principal Secretary to the Election Commission of India, requested the Secretary to the Government of India, Ministry of Personnel, Public Grievance & Pension, New Delhi, for entrusting the matters relating to the Election of Rajya Sabha to CBI for thorough investigation for bringing the culprits to book so that pristine purity of the House of Elders is not tarnished. In that

event, upon issuance of necessary notification, the CBI took up the investigation of Namkum P.S. Case No. 58/2012 and reregistered the case as RC 2(S)/ 2012-AHD-R, for further investigation.

During investigation, it was found that out of 80 elected Members of Jharkhand Legislative Assembly, 79 Members of Jharkhand Legislative Assembly, participated in the election, whereas one MLA of CPI (M), did not participate. During investigation, it was found that the petitioner by calling R.K. Agarwal on cell phone, asked him to pay Rs. 50 lakhs as an advance for proposing his nomination. Lateron, Air bag was handed over at the residence of Nalin Soren, where most of the MLAs of JM were present. The said Air bag was dropped by the petitioner at the residence of one Rajendra Mandal. Further evidence, which was collected, is that in the evening of 29th March, 2012, Rs. 1 corer was given by Raj Kumar Agarwal at hotel Radison Blue, Ranchi. The said air bag containing money was brought to the residence of the petitioner and on the following day, it was taken in the vehicle of IOCL to Jamshedpur. The Election Commission did countermand the election and, therefore, Mr. Agarwal was seen coming to the residence of this petitioner at several occasions for getting back a sum of Rs. 1.50 crores, but the petitioner never did oblige him. The CBI further made investigation on the point of investment of the money after the aforesaid transaction. After completion of the investigation, charge sheet was submitted against number of accused persons, including this petitioner on the charge that the petitioner did receive illegal gratification of Rs. 50 lakhs from

R.K. Agarwal for proposing his nomination and also Rs. 1 crore for voting in his favour, but the petitioner never voted in favour of Agarwal. On submission of the charge sheet, the Court took cognizance of the offences punishable under Sections 120B and 171 (E) of the Indian Penal Code and also under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act against the petitioner and others vide order dated 07/06/2013, which is under challenge.

4. Mr. Jitender Singh, learned senior counsel appearing for the petitioner submits that notwithstanding the fact that the petitioner has been charged to have received bribe for casting vote in favour of R.K. Agarwal, she cannot be prosecuted criminally as the provision contained in Section 194(2) of the Constitution of India confers immunity upon a person from proceeding in any court in respect of vote given by him in the Legislature and, as such, any prosecution of the petitioner is against the mandate of the Constitution and, thereby, the order taking cognizance is fit to be quashed.

In this respect, learned senior counsel submits that the point involved in this case, has no longer remained *res integra* on account of authoritative judgment rendered by the Hon'ble Supreme Court in a case of "***P.V.Narsimha Rao- versus- State (CBI-SPE), [(1998) 4 SCC 626]***", where number of Members of the Lok Sabha had been alleged to have been bribed for voting against the no-confidence motion.

The question did arise as to whether Article 105(2) of the Constitution confers any immunity on the Members of Parliament for being prosecuted in a criminal Court for an offence involving offer or acceptance of bribe?

There, the then Their Lordship Hon'ble Mr. Justice S.C.Agrawal for himself and also for Hon'ble Mr. Justice Anand (minority view) did hold that the immunity from prosecution of a Member, cannot be extended for having received bribe or having entered into a conspiracy to receive bribe for the purpose of giving a vote in the House, whereas the majority view was that anything done, which had nexus with the vote will not make him liable to be proceeded in the Court of law as provision under Article 105(2) gives complete immunity to those persons. Further, it was submitted that since Article 194 (2) is in parameteria of the provision as contained in Article 105 (2), the same would be the fall out in view of the decision of the Constitution Bench and, thereby, the instant prosecution can be said to be against the mandate of the constitutional provision and, hence, order taking cognizance is fit to be quashed.

5. As against this, Mr. Khan, learned counsel appearing for the CBI submits that Sub-Clause (2) of Article 194, gives protection to the Members of the Legislature from any liability for a speech made by him or a vote given by him in a Legislature or Committee thereof, but the said immunity cannot be extended to confer immunity from prosecution of a Member for having received bribe or having entered into a conspiracy to receive bribe for the purpose of making a speech

or giving a vote in the Legislature or in any Committee thereof. Here, in the instant case, since, the allegation of taking bribe precedes of giving a vote, the petitioner cannot be said to have done in respect of voting and, thereby, the petitioner will have no immunity from being prosecuted.

6. In the context of the submissions, it becomes imperative to take notice of the provision as contained in Article 194 (2), which is in parameteria of the provision as contained in Sub-clause 2 of Article 105 of the Constitution. The provision as contained in Article 194 (2) of the Constitution of India reads as follows:-

194. Powers, privileges, etc., of the House of Legislatures and of the members and committees thereof-(1).....

(2) No member of the Legislature of a State shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a House of such a Legislature of any report, paper, votes or proceedings.”

7. Since the aforesaid provision is parameteria to Article 105 (2) of the Constitution of India, the law laid down by the Hon'ble Supreme Court on the issue pertaining to the provision of Sub-clause 2 of Article 105 of the Constitution would also cover the field so far provision of Sub-clause 2 of Article 194 of the Constitution is concerned. In such situation, one may look to the fact of the case,

which were involved in the case of “*P.V.Narsimha Rao- versus- State (CBI-SPE)*” (*supra*).

On 26/07/1993, a motion of no confidence was moved in the Lok Sabha against the minority Government of P.V.Narsimha Rao . The support of 14 Members was needed to have the no-confidence motion defeated. On 28/07/1993, the no-confidence motion was lost, 251 members having voted in support and 265 against. Suraj Mandal and others owing allegiance to the Jharkhand Mukti Morcha (JMM) as well as the Members owing allegiance to the Janata Dal, Ajit Singh group, voted against the noconfidence motion. On such allegation, when the case was lodged by the CBI, it was investigated and after investigation, submitted charge sheet, wherein P.V.Narsimha Rao, the then Prime Minister, was charged to be a party to criminal conspiracy and had entered into an agreement with coaccused the Members belonging to JMM and others parties to defeat the noconfidence motion moved on 26/07/1993 against the then Congress (I)Government, headed by him by illegal means, viz., to offer or cause to offer and pay gratification other than the legal remuneration to the co-accused persons namely JMM and Janta Dal (A) MPs as a motive or reward for their helping in defeating the said no-confidence motion moved by the opposition and in pursuance of the said agreement, he paid several lakhs of rupees to the Members of JMM and Janta Dal (A), who obtained him in the manner stated above.

When the charges were framed by the Special Judge, plea was taken of immunity from being prosecuted in a Court of law, but that

prayer was rejected. The matter was taken to Delhi High Court, where plea was taken that to offer bribe to a Member of Parliament to influence him in his conduct as Member amount to breach of privilege. However, the Hon'ble Delhi High Court was pleased to hold that it may be a case of breach of privilege, but it never ouster the jurisdiction of ordinary court to try penal offences. Accordingly, the prayer was rejected.

The matter came before the Hon'ble Supreme Court, where it was heard by a Constitutional Bench consisting of five Hon'ble Judges. There the plea, which was advanced on behalf of the petitioner/appellant was that when giving a bribe is in respect of voting, that act would not make a Member of Parliament liable to be proceeded in a Court of law. Whereas, the submissions, which had been advanced on behalf of the Attorney General was that the immunity granted under clause (2) of Article 105 gives protection to a Member of Parliament from any liability for a speech made by him or a vote given by him in the House or any committee thereof, but the said immunity cannot be extended to confer immunity from prosecution of a Member for having received bribe or having entered into a conspiracy to receive bribe for the purpose of making a speech or giving a vote in the House or in any committee thereof.

On being persuade with the aforesaid submissions, advanced on behalf of the Attorney General, His Lordship Hon'ble Mr. Justice Agrawal, the then he was for himself and also for Hon'ble Justice Anand, was pleased to observe as follows:-

“47. As mentioned earlier, the object of the immunity conferred under Article 105 (2) is to ensure the independence of the individual legislators. Such independence is necessary for healthy functioning of the system of parliamentary democracy adopted in the Constitution. Parliamentary democracy is a part of the basis structure of the Constitution. An interpretation of the provisions of Article 105(2) which would enable a Member of Parliament to claim immunity from prosecution in a criminal court for an offence of bribery in connection with anything said by him or a vote given by him in Parliament or any committee thereof and thereby place such members above the law would not only be repugnant to healthy functioning of parliamentary democracy but would also be subversive of the rule of law which is also an essential part of the basis structure of the Constitution. It is settled law that in interpreting the constitutional provisions the court should adopt a construction which strengthens the foundational features and the basis structure of the Constitution.

(See: Sub-Committee on Judicial Accountability v. Union of India SCC at p. 719). The expression “in respect of” precedes the words “anything said or any vote given” in speech that has already been made or a vote that has already been given. The immunity from liability, therefore, comes into play only if a speech has been made or vote has been given. The immunity would not be available in a case where a speech has not been made or a vote has not been given. When there is a prior

agreement whereunder a Member of Parliament has received an illegal consideration in order to exercise his right to speak or to give his vote in a particular manner on a matter coming up for consideration before the House, there can be two possible situations. There may be an agreement whereunder a Member accepts illegal gratification and agrees not to speak in Parliament or not to give his vote in Parliament. The immunity granted under Article 105(2) would not be available to such a Member and he would be liable to be prosecuted on the charge of bribery in a criminal court. What would the position if the agreement is that in lieu of the illegal gratification paid or promised the Member would speak or give his vote in parliament in a particular manner and he speaks and gives his vote in that manner.”

8. Ultimately, it was held that the immunity would be available only if the speech that has been made or the vote that has been given is an essential and integral part of the cause of action for the proceedings giving rise to liability. The immunity would not be available to give protection against liability for an act that precedes the making of the speech or giving of vote by a Member in Parliament even though it may have a connection with the speech made or the vote given by the Member if such an act give rise to a liability which arises independently and does not depend on the making of the speech or the giving of vote in Parliament by the Member. Such an independent liability cannot be regarded as liability in respect of anything said or

vote given by the Members in Parliament. The liability for which immunity can be claimed under Article 105(2) is the liability that has arisen as a consequence of the speech that has been made or the vote that has been given in Parliament.

9. However, the majority view is otherwise, wherein Their Lordships did not accept the submissions advanced on behalf of the Attorney General that even the words “in respect of” are given a broad meaning, the protection under Article 105(2) is limited to court proceedings that impugn the speech that is given or the vote that is cast or arises thereout or that the object of the protection would be fully satisfied thereby, for the reason that the object of the protection is to enable Members to speak their mind in parliament and vote in the same way, freed of the fear of being made answerable on that account in a court of law. Their Lordships have gone further to say that it is not enough that Members should be protected against civil action and criminal proceedings, the cause of action of which is their speech or their vote. To enable Members to participate fearlessly in parliamentary debates, Members need the wider protection of immunity against all civil and criminal proceedings that bear a nexus to their speech or vote. Ultimately, Their Lordships did hold as which is in para-135, which reads as follows:-

“135. While it is true that the charge against them does not refer to the votes that the alleged bribe-takers, Ajit Singh excluded, actually cast against the no-confidence motion and that it may be established dehors those votes, as the Attorney

General argued, we do not think that we can ignore the fact that the votes were cast and, if the facts alleged against the bribe-takers are true, that they were cast pursuant to the alleged conspiracy and agreement. It must then follow, given that the expression “in respect of” must receive a broad meaning, that the alleged conspiracy and agreement had a nexus to and were in respect of those votes and that the proposed inquiry in the criminal proceedings is in regard to the motivation thereof’.

10. Thus, what has emerged out is that Their Lordships (minority view) were of the view that immunity would not be available to give protection against liability for an act that precedes the making of speech or for giving a vote by a Member in Parliament. Even though, it may have connection with the speech made or the vote given by the Members. If such an act gives rise to a liability, which arises independently and does not depend on the making of the speech or giving of vote in Parliament by the Members. Whereas, the majority view is that expression “in respect of” given in the said provision must receive a broad meaning to protect the Members against civil action and criminal proceedings against all the acts that bear a nexus to their speech or vote. Meaning thereby, that even those acts of conspiracy and agreement preceding the vote or the speech as the case may it had nexus with the speech and vote, the Members will have protection of immunity.

11. Under the circumstances, Their Lordships taking into account the

fact that Members of Parliament having received bribe had cast a vote against the motion of no-confidence, did hold that they had protection of immunity. At the same time, Their Lordships did find that Ajit Singh, who was party to the conspiracy, but did not cast vote, will have no protection for the reason that there was no nexus in between the act of conspiracy and the vote.

12. Here the fact of the case is some what different as it is the case of the prosecution that the petitioner having received money from R.K. Agarwal, though did cast vote but not in favour of R.K. Agarwal. In that event, one can say that act of receiving money from R.K. Agarwal was having no nexus with the act of casting vote by the petitioner. It is true that the petitioner did cast vote in the said election not in favour of R.K. Agarwal and, thereby, it will have no nexus with the alleged conspiracy and agreement under which she had received money.

According to the majority view of Their Lordships, as expressed in para-135 that if one casts vote pursuant to the alleged conspiracy and agreement, then alleged conspiracy and the agreement can be said to have had nexus with the vote. Conversely, I can say that if the alleged act of receiving money pursuant to the conspiracy and the agreement, if the vote is not cast in favour of the person from whom money was received, then casting of vote will have no nexus with the alleged act of receiving money and, therefore, in that premise, Their Lordships did not find protection of immunity being available to Ajit Singh as he did not cast vote though he was one of the Members of the conspiracy. Therefore, the principle, under which

the protection of immunity was not available to Ajit Singh, the said principle is applicable in the case of this petitioner.

13. Thus, I am of the view that the act of the petitioner of receiving money pursuant to the conspiracy and the agreement with R.K.Agarwal, will have no nexus with the vote on account of the fact that she did not cast vote in favour of the said R.K.Agarwal and, thereby, she will have no immunity as guaranteed under Sub-clause (2) of Article 194 of the Constitution of India.

14. Accordingly, I do not find any illegality with the order taking cognizance and, thereby, it never warrants to be quashed.

In the result, this application stands dismissed.

Sd/-

(R.R.Prasad, J)

Mukund/cp.3

//True Copy//

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

SPECIAL LEAVE PETITION (CRL.)NO. OF 2013

(Arising from the Judgment and Final Order dated 17.02.2014
passed by Hon'ble High Court of Jharkhand at Ranchi in
W.P. (Cr.) No. 128 of 2013)

IN THE MATTER OF:

POSITION OF PARTIES

Before
High Court

Before this Court

Sita Soren

Petitioner

Petitioner



VERSUS

Union of India
Through Central
Bureau of
Investigation, EOW,
Kali Babu Street,
Ranchi -834001,
Jharkhand

Respondent

Contesting
Respondent

Through
Superintendent of
Police

TO,

THE HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE
APPELLANT ABOVE-NAMED.

MOST RESPECTFULLY SHOWETH:

1. The present Special Leave Petition is directed against Judgment and Final Order dated 17.02.2014 passed by Hon'ble High Court of Jharkhand at Ranchi in W.P.

(Cr.) No. 128 of 2013, whereby the Hon'ble High Court dismissed the Writ Petition of the petitioner.

2. That the brief facts leading to filing of the present Special Leave Petition are as under:-

2.1 Elections were held for Jharkhand Assembly and the results were announced in December 2009. The petitioner was elected from Jama (ST) seat as Jharkhand Mukti Morcha candidate.

2.2 The Secretary to the Election Commission of India vide notification no. 318/1/2012 dated 12.03.2012 announced election to elect two members to Rajya Sabha to fill the vacancies of two members who were earlier elected to represent the State of Jharkhand and were due to retire on the 2nd April, 2012 on the expiration of their term of office. 19th March, 2012 was fixed for scrutiny of nomination papers. 22nd March, 2012 was fixed for withdrawal of nomination and 30th March, 2012 was fixed for poll.

2.3 On 27.03.2012 Shri Babulal Marandi and Dr Ajay Kumar both Members of Parliament (LS) of Jharkhand Vikas Morcha lodged a complain to Chief Election Commissioner of India alleging horse trading at Rajya Sabha election for filing up two seats in Rajya Sabha from State of Jharkhand.

2.4 On 30.03.2012 i.e. the date of poll at about 6.30 am in the morning, as a result of the vigil of the tax authorities and the

police, Rs.2.15 crores, in cash, were apprehended by the Income Tax authorities from a car bearing no. JH-01AC-2185. The custodian of the cash in the vehicle, Mr. Sudhanshu Tripathi, explained that the cash was handed over to him by Mr. Soumitra Sen, son-in-law of one of the independent candidate namely R.K. Agarwal, which was being transported from Jamshedpur to Ranchi.

That the Petitioner had cast her vote in the Rajya Sabha elections on 30.03.2012.

- 2.5 Taking a serious note of the above developments, the Election Commission on 31.03.2012 recommended to the Hon'ble President to rescind the notification dated 12.03.2012 in so far as it related to the electoral process in respect of the biennial election to the Rajya Sabha from Jharkhand.

On the above recommendation of the election commission, the Hon'ble President was pleased to rescind the aforesaid notification.

- 2.6 On 05.04.2012, the Hon'ble High Court in W.P (PIL) No. 1802 of 2012 was pleased to direct the Election Commission to hand over the matter Central Bureau of Investigation.

- 2.7 On 19.04.2012 the Central Bureau of Investigation instead of instituting a fresh FIR re-registered Namkum P.S. Case No. 58 of 2012. True copy of the FIR bearing RC 02 (S)/2012-AHD-R

dated 19.4.2012 registered with CBI AHD, Ranchi is annexed herewith and marled as **ANNEXURE P/1** (Page to).

2.8 Re-election was held for Rajya Sabha on 03.05.2012. That in the re-election held for the Rajya Sabha, the Petitioner casted her vote.

2.9 That the Speaker of the Jharkhand Legislative Assembly accorded sanction for prosecution of the Petitioner under section 19 of the Prevention of Corruption Act, 1998 and under Section 197 of the Code of Criminal Procedure, 1973 on 18.05.2013.

2.10 That the Respondent on investigation filed chargesheet against the Petitioner on 03.06.2013 under sections 120(B) and 171 (E) of the Indian Penal Code and sections 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988. It has been alleged that the petitioner received bribe from the candidate R.K.Agarwal for casting vote.

2.11 That the court of Sri R.K. Choudhary, Spl. Judge, CBI, on 07.06.2013, took cognizance of offence under sections section 120(B) and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 against the Petitioner. True copy of order dated 07/06/13 passed by Special Judge, CBI in RC 02 (S)/2012-AHD-R is annexed herewith and marled as **ANNEXURE P/2** (Page to).

2.12 That the petitioner filed Writ petition (Crl) No. 128 of 2013 before the Hon'ble High Court for direction quashing the entire proceeding including the chargesheet bearing No. 04/2013 dated 07.06.2013 on the ground that the Petitioner cannot be prosecuted criminally as the provision contained in Section 194(2) of the Constitution of India confers immunity upon a MLA from proceeding in any court in respect of vote given by him in the Legislature and, as such, any prosecution of the Petitioner is against the mandate of the Constitution and, thereby, the order taking cognizance is liable to be quashed. True typed copy of the Writ Petition No. 128 of 2013 dated 18.06.2013 filed before High Court of Jharkhand at Ranchi is annexed herewith and marked as **ANNEXURE P/3** (Page to).

2.13 The Hon'ble High Court vide order dated 17.02.2104 dismissed the Writ Petition (Cr.) No.128/2013 filed by the Petitioner.

2.14 That the petitioner surrendered herself and is in custody on 25.02.2014.

3. That aggrieved by the impugned judgment, the petitioner prefer the presents Special Leave Petition on following inter-alia other grounds:

GROUND

A. Because the Hon'ble High Court has failed to appreciate the width of immunity given under Article 194(2) of the

Constitution of India to the member of Legislature of a State in respect of vote given in the Legislature.

B. Because the immunity provided under section 194(2) of the Constitution of India to the member of legislature of a State is available to the petitioner (a M.L.A.) in connection with casting vote in the legislature for election of Rajya Sabha.

C. Because the issue of immunity conferred upon a member from proceeding in any court in respect of vote given by him in legislature is no longer res integra and the Constitution Bench of this Hon'ble Court in P.V. Narsimha Rao vs State (CBI-SPE) [1998 (4) SCC 626] has held in para 133 and 136 of the judgment that anything concerning or relating or connecting or having nexus with giving vote is protected. The same is reproduced as under:

“133. Broadly interpreted, as we think it should be, Article 105(2) protects a Member of Parliament against proceedings in court that relate to, or concern, or have a connection or nexus with anything said, or a vote given, by him in Parliament.

136. The object of the protection is to enable Members to speak their mind in Parliament and vote in the same way, freed of the fear of being made answerable on that account in a court of law. It is not enough that Members should be protected against civil action and criminal proceedings, the cause of action of which is

their speech or their vote. To enable Members to participate fearlessly in parliamentary debates, Members need the wider protection of immunity against all civil and criminal proceedings that bear a nexus to their speech or vote. It is for that reason that a Member is not “liable to any proceedings in any court in respect of anything said or any vote given by him”.

D. Because the Hon’ble High Court gravely erred in considering as to whether the petitioner had voted in favour of the person from whom she had allegedly taken money or not. Whereas the protection would inure to her once she has voted in the house. It is respectfully submitted that anything done in connection to vote cannot be enquired into by any Court and whether the petitioner has voted to the person from whom allegedly she had taken money is also a matter relating to casting of vote and thus will squarely be covered by Article 194(2) of the Constitution as well as by the judgment of the Constitution Bench of this Hon’ble Court in P.V. Narsimha Rao vs State (CBI-SPE) [1998 (4) SCC 626].

E. Because this Hon’ble Court in P.V. Narsimha Rao vs State (CBI-SPE) [1998 (4) SCC 626] by majority has further held as under:

“135. While it is true that the charge against them does not refer to the votes that the alleged bribe-takers, Ajit Singh excluded, actually cast against the no-confidence

motion and that it may be established dehors those votes, as the Attorney General argued, we do not think that we can ignore the fact that the votes were cast and, if the facts alleged against the bribe-takers are true, that they were cast pursuant to the alleged conspiracy and agreement. It must then follow, given that the expression “in respect of” must receive a broad meaning, that the alleged conspiracy and agreement had a nexus to and were in respect of those votes and that the proposed inquiry in the criminal proceedings is in regard to the motivation thereof.

143. Our conclusion is that the alleged bribe-takers, other than Ajit Singh, have the protection of Article 105(2) and are not answerable in a court of law for the alleged conspiracy and agreement. The charges against them must fail. Ajit Singh, not having cast a vote on the no-confidence motion, derives no immunity from Article 105(2).

F. Because the Hon’ble High Court gravely erred in not extending the benefit of judgment of P.V. Narsimha Rao vs State (CBI-SPE) (supra) to the petitioner and erred in equating the case of the petitioner with that of Ajit Singh’s case P.V. Narsimha Rao vs State (CBI-SPE) (supra).

G. Because the Hon’ble High Court gravely erred in not appreciating that the petitioner’s case is totally different from

the case of Ajit Singh in P.V. Narsimha Rao vs State (CBI-SPE) (supra) and cannot be equated to the case of Ajit Singh's as herein the petitioner casted her vote but Ajit Singh did not cast his vote at all in P.V. Narsimha Rao vs State (CBI-SPE) (supra). And therefore the petitioner's act of casting vote in legislature is protected under Article 194 (2) of the Constitution of India.

H. Thus, the Hon'ble High Court gravely erred in interpreting the Judgment of the Constitution Bench of this Hon'ble Court in P.V. Narsimha Rao vs State (CBI-SPE) [1998 (4) SCC 626]. The case of the petitioner is squarely covered by the judgment of this Hon'ble Court and the petitioner is entitled for the immunity as provided in Article 194(2) of the Constitution of India and therefore, the impugned judgment is liable to ne set-aside and order taking cognizance against the petitioner be quashed.

I. Because the impugned judgment is bad in eyes of law and is liable to be set aside.

4. That the petitioner has not filed any other petition before any court challenging the impugned judgment.

PRAYER

In the aforesaid facts and circumstances, it is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:-

- a) Grant Special Leave to Appeal against the Judgment and Final Order dated 17.02.2014 passed by Hon'ble High Court of Jharkhand at Ranchi in W.P. (Cr.) No. 128 of 2013;
- b) pass such other and/or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

AND FOR THE ACT OF KINDNESS THE APPELLANT SHALL
EVER PRAY.

DRAWN AND FILED BY

Drawn on: 15.03.2014

Filed on: 26.03.2013

New Delhi

[VIVEK SINGH]

ADVOCATE FOR THE PETITIONER

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
UNDER ARTICLE 136 OF THE CONSTITUTION OF INDIA
SPECIAL LEAVE PETITION (CRL) NO. OF 2014

IN THE MATTER OF:

SITA SOREN ...PETITIONER
VERSUS
UNION OF INDIA THROUGH C.B.I. ...RESPONDENT

CERTIFICATE

Certified that the Special Leave Petition is confined only to the pleadings before the High Court whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents or grounds have been taken therein or relied upon in the Special Leave Petition. It is further certified that the copies of the documents/annexures attached to the Special Leave Petition are necessary to answer the question of law raised in the petition or to make out grounds urged in the special leave petition for consideration of this Hon'ble Court.

The certificate is given on the basis of instruction given by the person authorized by the petitioner whose affidavit is filed in support of the Special Leave Petition.

FILED BY

(VIVEK SINGH)

ADVOCATE FOR THE PETITIONER

FILED ON: 26.03.2014

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CRL) NO. OF 2014
IN THE MATTER OF:

SITA SOREN ...PETITIONER

VERSUS

UNION OF INDIA

THROUGH CBI

...RESPONDENT

AFFIDAVIT

I, Hare Lal Mandal, S/o Sri Kalipada Mandal, aged 42 years, R/o Old Sonari, Near Shiv Mandir, P.O. & P.S. Sonari, Town, Jamshedpur, Dist. Singhbhoom East, Jharkhand presently at New Delhi do hereby solemnly affirm and declare as follows:

1. That I am the parokar & family friend of the petitioner in the present SLP and I am well conversant with the facts and circumstances, records of this case, dully authorized in this behalf & competent to swear this affidavit.
2. That the contents of Synopsis, List of Dates and Events from Page B to I, the special leave petition from page 16 to 27 and para 1 to 4, and criminal miscellaneous applications have been read over to me and explained to me in Hindi and I have understood the same and I state that the contents thereof are true and correct to the best of my knowledge.
3. That the annexures are true copies of their respective originals and form parts of the record.

DEPONENT

VERIFICATION:

I, hereby verify that contents of the above affidavit are true to my knowledge & based on the record, no part of it is false and nothing material has been concealed therefrom.

Verified at Delhi on this 15th Day of March, 2014.

DEPONENT

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRL. M.P. NO. _____ OF 2014

IN

SPECIAL LEAVE PETITION (CRL) NO. OF 2014

IN THE MATTER OF:

SITA SOREN

...PETITIONER

VERSUS

UNION OF INDIA THROUGH C.B.I.

...RESPONDENT

AN APPLICTION FOR EX-PARTE BAIL

To,

The Hon'ble Chief Justice of India and the
Companion Judges of the Supreme Court Of India.

MOST RESPECTFULLY SHOWETH:

1. The present Special Leave Petition is directed against Judgment and Final Order dated 17.02.2014 passed by Hon'ble High Court of Jharkhand at Ranchi in W.P. (Cr.) No. 128 of 2013, whereby the Hon'ble High Court dismissed the Writ Petition of the petitioner.
2. That it is submitted that the facts stated in the special leave petition are not repeated herein for the sake brevity and the Petitioner craves the indulgence of this Hon'ble Court to refer and rely

upon the contents of the same for deciding the application.

3. That the petitioner is in judicial custody since 25.2.2014. The petitioner is a widow aged about 40 years and is mother of three daughters. That the petitioner is suffering from heart ailment as well as spondylitis.
4. That the petitioner's case is squarely covered under the protection provided in Article 194 (2) of the Constitution as well as by the constitution bench judgment of this Hon'ble Court in "P.V. Narsimha Rao vs State (CBI-SPE) [1998 (4) SCC 626]" in as much as the alleged Act of taking bribe in connection of casting vote in legislature is protected under Article 194 (2) of the Constitution.
5. In view of the aforesaid, the petitioner has a very good prima facie case in its favour, balance of convenience also lies in favour of the petitioner and the petitioner will suffer irreparable loss, if he is not enlarge on ex-parte bail.
6. That the present application has been made in bonafide and in the interest of justice.

PRAYER

In view of the above and in the interest of justice it is most respectfully prayed that this Hon'ble Court may be pleased to: -

- a) GRANT ex-parte ad-interim bail to the petitioner in connection with R.C. No. 2(S)/2012-AHD-R dated 19.04.2014 to the satisfaction of Special Judge, CBI, Ranchi, during the pendency of the present Special Leave Petition; and
- b) And pass such other or further order/s which this Hon'ble Court may deem fit and proper

AND FOR THIS ACT OF KINDNESS THE PETITIONERS
AS IN DUTY BOUND SHALL EVERY PRAY

Filed By

Filed on: 26.03.2014

[VIVEK SINGH]

ADVOCATE FOR THE PETITIONER

1. Diary No:
2. FIR/RC/etc.: FIR R.C. No. 2(S)/2012-AHD-R
3. Date of Registration of FIR etc. dated 19.04.2014
4. Name & Place of the Police Station: CBI, AHD, Ranchi
5. Name & place of Trial Court : Special Judge, CBI, Ranchi
6. Case No. in Trial Court and Date of judgment : NA
7. Name & place of 1st Appellate Court: NA

Date : 26.03.2014

[VIVEK SINGH]
ADVOCATE FOR THE PETITIONER
105, New Lawyers Chamber
Supreme Court of India New Delhi-1
Ph: 9810524584, 23070014
CODE-1761

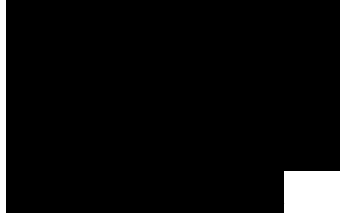
IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (Cr.) No. 128 of 2013)

IN THE MATTER OF:

Sita Soren

Petitioner



VERSUS

Union of India
Through Central
Bureau of
Investigation, EOW,
Kali Babu Street,
Ranchi -834001,
Jharkhand

Respondent

Through
Superintendent of
Police

VIVEK SINGH
ADVOCATE

DATE:
NEW DELHI

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRL. M.P. NO. _____ OF 2014

IN

SPECIAL LEAVE PETITION (CRL) NO. OF 2014

IN THE MATTER OF:

SITA SOREN ...PETITIONER

VERSUS

UNION OF INDIA THROUGH C.B.I. ...RESPONDENT

AN APPLICATION FOR EXEMPTION FROM FILING
OFFICIAL TRANSLATION

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
PETITIONER ABOVE-NAMED

MOST RESPECTFULLY SHOWETH :

1. The present Special Leave Petition is directed against Judgment and Final Order dated 17.02.2014 passed by Hon'ble High Court of Jharkhand at Ranchi in W.P. (Cr.) No. 128 of 2013, whereby the Hon'ble High Court dismissed the Writ Petition of the petitioner.

2. The facts giving rise to this petition and its contents are stated in the said Special Leave Petition. The same are not being repeated for the sake of brevity. The petitioners herein crave leave of this Hon'ble Court to refer and rely upon the same at the time of hearing of this petition.
3. That, the Annexures which are filed as Annexure P- was in Hindi vernacular language and due to urgency same have been translated by private translator. It is a true and correct translation, hence this application.

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

1. Exempt the petitioners from filing Official English translation of the Annexure P- accept the translation filed herein.
2. Any other order or orders may also be passed which this Hon'ble Court deems fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE HUMBLE
PETITIONERS SHALL EVER PRAY AS DUTY BOUND.

NEW DELHI
Dated: .03.2014

FILED BY
[VIVEK SINGH]

ADVOCATE FOR THE
PETITIONER

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRL. M.P. NO. OF 2014

IN
SPECIAL LEAVE PETITION (CRL) NO. OF 2014
IN THE MATTER OF:
SITA SOREN ...PETITIONER
VERSUS
UNION OF INDIA
THROUGH CBI ...RESPONDENT

AFFIDAVIT

I, Hare Lal Mandal, [REDACTED]

[REDACTED]
[REDACTED] presently at New
Delhi do hereby solemnly affirm and declare as follows:

1. That I am the parokar & family friend of the petitioner in the above mentioned SLP and I am well conversant with the facts and circumstances, records of this case, dully authorized in this behalf & competent to swear this affidavit.
2. That the contents of accompanying applications have been read over to me and explained to me in Hindi and I have understood the same and I state that the contents thereof are true and correct to the best of my knowledge.
3. That the annexures are true copies of their respective originals and form parts of the record.

DEPONENT

VERIFICATION:

I, hereby verify that contents of the above affidavit are true to my knowledge & based on the record, no part of it is false and nothing material has been concealed therefrom.

Verified at Delhi on this Day of April, 2014.

DEPONENT