

Prevention of Corruption Act, 1988 Section 19(3) – A perusal of Section 19(3) of the Act would show that the interdict against stay of proceedings under the Act on the ground of any error, omission or irregularity in the sanction granted by the authority is lifted if the Court is satisfied that the error, omission or irregularity has resulted in a failure of justice – Having said this in clause (b) of Section 19(3), clause (c) says that no Court shall stay proceedings under this Act on any other ground – These are grounds referable to the proceedings under this Act and there is no warrant to add words not found in sub-section (c), namely, that these grounds should be relatable to sanction only –

Held,

We are of the view this is correct view for the following reasons:

- (i) Section 19(3)(b) subsumes all grounds which are relatable to sanction granted. This is clear from the word “any” making it clear that whatever be the error, omission or irregularity in sanction granted, all grounds relatable thereto are covered.
- (ii) This is further made clear by Explanation (a), which defines an “error” as including competency of the authority to grant sanction.
- (iii) The words “in the sanction granted by the authority” contained in sub-clause (b) are conspicuous by their absence in sub-clause(c), showing thereby that it is the proceedings under the Act that are referred to.
- (iv) The expression “on any other ground”, therefore, refers to and relates to all grounds that are available in proceedings under the Act other than grounds which relate to sanction granted by the authority.
- (v) On the assumption that there is an ambiguity, and that there are two views possible, the view which most accords with the object of the Act, and which makes the Act workable, must necessarily be the controlling view. It is settled law that even penal statutes are governed not only by their literal language, but also by the object sought to be achieved by Parliament.
- (vi) In **Madhu Limaye v. State of Maharashtra**, (1977) 4 SCC 551 at 558, this Court held, “It has been pointed out repeatedly, vide for example, *The River Wear Commissioners v. William Adamson* (1876- 77) 2 AC 743 and *R.M.D. Chamarbaugwalla v. The Union of India*, AIR 1957 SC 628, that although the words occurring in a particular statute are plain and unambiguous, they have to be interpreted in a manner which would fit in the context of the other provisions of the statute and bring about the real intention of the Legislature”. As the Statement of Objects and Reasons extracted hereinabove makes it clear, Section 19(3)(c) is to be read with Section 4(4) and Section 22, all of which make it clear that cases under the Act have to be decided with utmost despatch and without any glitches on the way in the form of interlocutory stay orders.
- (vii) Argument that sub-section (4) of Section 19 would make it clear that the subject matter of Section 19, including sub- section (3), is sanction and sanction alone is fallacious

- This argument is fallacious for the simple reason that the subject matter of sub-section (4) is only in the nature of a proviso to Section 19(3)(a) and (b), making it clear that the ground for stay qua sanction having occasioned or resulted in a failure of justice should be taken at the earliest, and if not so taken, would be rejected on this ground alone.

(viii) Section 19(3)(c) became necessary to make it clear that proceedings under the Act can be stayed only in the eventuality of an error, omission or irregularity in sanction granted, resulting in failure of justice, and for no other reason. It was for this reason that it was also necessary to reiterate in the language of Section 397(2) of the Code of Criminal Procedure, that in all cases, other than those covered by Section 19(3)(b), no court shall exercise the power of revision in relation to interlocutory orders that may be passed. It is also significant to note that the reach of this part of Section 19(3)(c) is at every stage of the proceeding, that is inquiry, trial, appeal or otherwise, making it clear that, in consonance with the object sought to be achieved, prevention of corruption trials are not only to be heard by courts other than ordinary courts, but disposed of as expeditiously as possible, as otherwise corrupt public servants would continue to remain in office and be cancerous to society at large, eating away at the fabric of the nation.

[ASIAN RESURFACING OF ROAD AGENCY PVT. LTD. V. CENTRAL BURUEAU OF INVESTIGATION, 2018 SCej 688](#)