

385106

Certified to be true copy

*Amathur*  
 Assistant Registrar (Indt.)  
 10/12/2009  
 Supreme Court of India

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2274 OF 2009  
 [arising out of S.L.P. (Crl.) No. 3081 of 2009]

PRAKASH @ PRAKASH K. DONGRE

...APPELLANT

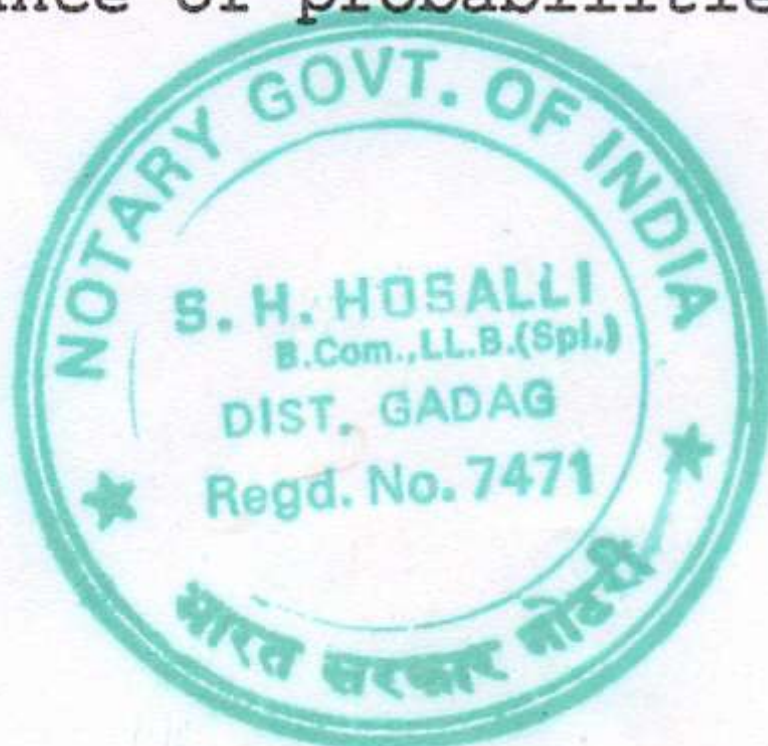
VERSUS

STATE OF KARNATAKA

...RESPONDENT

ORDER

1. Leave granted.
2. This appeal has been filed against the order dated 24.7.2008 passed by the High Court of Karnataka in Criminal Petition No. 1614 of 2006 dismissing the petition filed by the appellant.
3. The facts of this case have been given in the impugned order and hence, we are not repeating the same.
4. We have heard learned counsel appearing for the parties and perused the record..
5. The appellant was an employee of Khadi Gramudyog Mandali, Bijapur. He was charge-sheeted and a departmental inquiry was held against him. On the same charge, a criminal case was also registered against him. He has been exonerated in the departmental inquiry. The question now is whether he can be found guilty for the same offence in the criminal case.
6. It may be mentioned here that the standard of proof in a departmental proceeding is like that in a civil case i.e. preponderance of probabilities. On the other hand, the standard



Original Verified  
 & Attested by

*S/H*  
 NOTARY 18/12/09

of proof in a criminal case is proof beyond reasonable doubt. Since, the standard of proof in a civil case and a departmental proceeding is lower than that of a criminal case and since the appellant has been found innocent in the departmental inquiry, we fail to see how he can be convicted in a criminal case where the standard of proof is higher.

7. Accordingly, this appeal is allowed and the impugned order passed by the High Court as well as the order issuing summons in the criminal case are quashed.

.....J.  
[MARKANDEY KATJU]

.....J.  
[R.M. LODHA]

NEW DELHI

NOVEMBER 30, 2009.



Original Verified  
& Attested by

*[Signature]*  
NOTARY 18/12/09



Original Verified  
& Attested by  
*[Signature]*  
NOTARY 18/12/09