

Notice to Bihar government on appeal against Lalu Prasad

The Supreme Court Friday issued notices to the Bihar government on two petitions challenging its power to appeal against the acquittal of Railways Minister Lalu Prasad in a disproportionate assets case.

A bench of Chief Justice K.G. Balakrishnan, Justice R.V. Raveendran and Justice M.K. Sharma issued notices on the lawsuits filed separately by the railways minister and the Central Bureau of Investigation (CBI).

The minister and the CBI had moved the apex court last October, soon after the Bihar government moved [Patna](#) High Court, seeking its permission to challenge the acquittal of Lalu Prasad and his wife, former Bihar chief minister Rabri Devi.

The couple was acquitted of all charges in the seven-year-old disproportionate assets case by Special CBI Judge Muni Lal Paswan Dec 18, 2006.

Lalu was accused by CBI of amassing property worth Rs.4.6 million beyond his known sources of income between 1990 and 1997, when he was the chief minister. His wife was charged with abetting him in the alleged crime. The case was an offshoot of Bihar's infamous fodder scam.

The Bihar government had sought Patna High Court's permission, saying that since Lalu Prasad's Rashtriya Janata Dal was supporting the central government, the CBI was not keen on challenging the acquittal.

Accordingly, the Bihar government wanted Patna High Court's permission to challenge Yadav's acquittal. The high court recently permitted the state government to file its appeal against Lalu Prasad's acquittal.

The apex court had deferred Nov 12, 2007 the hearing on the petitions by Lalu Prasad and the CBI, saying the Bihar government has only moved the high court for its permission to file an appeal against the trial court's judgement.

The apex court had kept the petitions pending for hearing later if the state government were to get the requisite permission.

In its petition to the apex court, CBI has contended that only the central government was empowered to challenge the couple's acquittal, owing to the fact that the case was probed by the central government agency.

'The centre, after considering the conclusions and findings of the trial court, took a conscious and considered decision that no ground was made for filing of an appeal against the judgement of the trial court,' CBI said.

The railways minister and his wife had moved the Supreme Court last week, questioning the Nitish Kumar government's legal power, motive and rationale to challenge their acquittal by the trial court.

In their petitions, they had accused chief minister Nitish Kumar of challenging their acquittal due to

political rivalry.

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