

Pawar moves apex court against impending trial for perjury

Union Agriculture Minister Sharad Pawar Friday moved the Supreme Court challenging a Calcutta High Court order to prosecute him on charges of lying to it as a former president of the Indian cricket board to justify the termination of Jagmohan Dalmiya's membership from the board in December 2006.

The high court had on Nov 12 ordered the trial of Pawar along with his five former BCCI (Board of Control for Cricket in India) colleagues for lying to the court or what is legally known as committing perjury, to justify Dalmiya's ouster from the panel.

Five other former BCCI officials, who have been ordered to be tried for committing perjury, include BCCI present president Sashank Manohar besides its four officials Ratnakar Shetty, Chirayu Amin, Niranjan Shah and N. Srinivasan.

The BCCI had expelled Dalmiya on Dec 16, 2006 on charges of financial irregularities. He was subsequently forced to resign from the post of president for the Cricket Association of Bengal.

Dalmiya subsequently challenged his suspension in the Calcutta High Court, questioning the legality of the rule on the basis of which he was ousted from the cricket panel.

The BCCI, through an affidavit, told the court that it expelled Dalmiya under a new rule mandating the panel to take punitive measures against its erring members.

To justify the legality of the rule, the BCCI had told the court in its affidavit that as per the requisite provisions to enact a new rule, the same was duly registered after its framing. It said it was registered with the Tamil Nadu Registrar of Societies.

Dalmiya, however, contended before the high court that the rule had not been registered in time. He said the BCCI had placed forged documents before the high court to show that it had got exemption to surpass the time limit within which the rule should have been registered.

He contended that the BCCI had wrongly claimed to have received permission from the Tamil Nadu societies' registration body to register the new rule at a later date.

Pointing out that an amendment must be registered within three months, Dalmiya told the court that condonation of delay was filed six years after the amendment was made in September 2000.

Upholding Dalmiya's contention, the high court termed his expulsion as illegal and had held that BCCI had filed forged documents and false affidavit to justify Dalmiya's ouster.

At this, Dalmiya sought prosecution of Pawar and five other BCCI officials on charges of perjury, which the court granted on Nov 12.

Pawar in his petition to the apex court has contended that the high court has violated the principle of natural justice as it has ordered his prosecution without even listening to him.

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