

Section 321 CrPC

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1. **Relevant considerations for ordering withdrawal from prosecution u/s 121 CrPC** : See :

- (i) **Sheo Nandan Paswan Vs. State of Bihar, AIR 1987 SC 877 (Five-Judge Bench)**
- (ii) **Bairam Muralidhar Vs. State of AP, 2014 (86) ACC 859 (SC).**

2. **Order of Govt. for withdrawal of case not binding on public prosecutor** : Public Prosecutor is duty bound to apply his mind to the material on record and form independent opinion that withdrawal would really subserve public interest at large. An order of the Govt. for withdrawal of the case against the accused is not binding on the Public Prosecutor. See : **Bairam Muralidhar Vs. State of AP, 2014 (86) ACC 859 (SC).**

3. **Important Supreme Court rulings on Section 321 CrPC** :

- (i) AIR 2016 SC 721
- (ii) AIR 2014 SC 3241
- (iii) AIR 2008 SC 961
- (iv) AIR 2005 SC 359
- (v) AIR 2004 SC 4674
- (vi) AIR 1995 SC 436
- (vii) AIR 1987 SC 877
- (viii) AIR 1983 SC 194
- (ix) AIR 1980 SC 423
- (x) AIR 1980 SC 1510
- (xi) AIR 1980 SC 1461
- (xii) AIR 1978 SC 2265
- (xiii) AIR 1976 SC 370
- (xiv) AIR 1970 SC 1273

(xv) AIR 1957 SC 389
