

**IN THE COURT OF SPECIAL JUDGE:
PC ACT (CBI) - 04, ROUSE AVENUE DISTRICT COURTS,
NEW DELHI.**

**CBI No. 54/2025 (DLCT11-000659-2025)
RC0032025A0016 Dated 10.03.2025
CBI Vs. Satish Meena
PS CBI/ACB/New Delhi
U/s 238 of BNS, 2023 & 7 of PC Act, 1988**

Central Bureau of Investigation (CBI)

Versus

**Satish Meena
S/o Sh. Mohan Lal Meena
the then Head Constable Delhi Police
P.S Hari Nagar
R/o Plot No. 93, Street No. 8/7, Road No. 08
Near Vansh Garden, Shayam Vihar, 2 B Block,
Najafgarh, New Delhi-110043.**

Permanent Address

Village- Kherala, Post- Pala, Tehsil- Malakhera,
District-Alwar, Rajasthan. **(Accused).**

ORDER ON CHARGE

1. This order shall decide the question of charge to be framed against the accused namely Satish Meena as well as the separate application (IA-2/2026) moved on his behalf under Section 19 of Prevention of Corruption Act, 1988 (hereinafter referred to as

‘PC Act’) seeking discharge/dropping of proceedings against him on account of invalid sanction for prosecution.

2. The brief facts as per the charge-sheet filed and necessary for deciding the issue of framing of charge as well as application seeking discharge/dropping of proceedings against accused are that the present RC0032025A0016 under Section 7 of PC Act was registered against accused-applicant Satish Meena on the the complaint dated 10.03.2025 lodged by complainant Sachin Mehta. The complainant Sachin Mehta alleged that he had recently opened a take-away outlet with the name of M/s Finger Lickerz Bombaywala at Jail Road, Hari Nagar, New Delhi. He further alleged that the accused-applicant Satish Meena who is working as Head Constable, PS Hari Nagar, Delhi, had visited his outlet and demanded Rs.21,000/- for opening the said outlet and Rs.5,000/- as monthly for running the same. The demand was again raised on 08.03.2025. The verification on the said complaint was got done, which established the demand of bribe of Rs.11,000/- for opening and Rs.5,000/- per month as bribe to run his shop smoothly.

2.1 Accordingly, the trap was laid on 10.03.2025 wherein the accused-applicant Satish Meena, HC, Delhi Police, accepted the tainted bribe amount, but as the CBI team rushed towards the him, he fled away from the spot on his bike. The whole incident of accused-applicant accepting bribe and fleeing away from the spot was captured in CCTV cameras belonging to Gulati Enterprises. The said CCTV cameras footage has been seized

which reflect that accused-applicant fleeing away from the spot on his bike despite best efforts of CBI team to apprehend him. His mobile phone dropped during the said act of fleeing which was then seized. The recovery of bribe amount could not be got effected. The recorded conversation in DVR too established the acceptance of bribe. The sanction for prosecution of the accused has been accorded by the competent authority .

3. After the investigation the charge-sheet in the matter has been filed.

4. Ld. SPP for CBI argued that there is sufficient material on record to frame charges against the accused for the offence under Section 7 of PC Act. It is argued that the present case came to be registered on the basis of the written complaint dated 10.03.2025 of complainant Sachin Mehta wherein he alleged that accused Satish Meena working as Head Constable, P.S. Hari Nagar visited his outlet M/s Finger Lickerz Bombaywala at Jail Road, Hari Nagar, New Delhi and demanded bribe of Rs 21,000/- for opening the outlet and Rs 5,000/- monthly.

4.1 It is further argued that the verification established the demand of bribe of Rs 11,000/-. The trap was accordingly led on 10.03.2025 wherein the accused demanded and accepted the bribe amount from the complainant which was witnessed by the entire trap team. The accused on seeing the trap team after transaction was over, fled away alongwith the bribe amount on his motorcycle. **The said non-recovery of bribe amount is**

inconsequential when seen in the light of the other evidences produced by the prosecution including the statement of complainant and trap process.

4.2 Further, it is argued that the CCTV footage of the camera installed near the place of transaction which has been collected which too establishes the acceptance of bribe amount.

4.3 It is further argued that the prosecution sanction has been obtained against the accused-applicant from the competent authority/appointment authority i.e. DCP in terms of Section 12 & Rule 3(1) of Delhi Police (Appointment & Recruitment) Rules, 1980. He was merely given the functional rank of Head Constable by the order of the Police Commissioner dated 29th June, 2022 which is neither appointment nor promotion. Hence, the reliance placed on Article 311 of the Constitution and judgment of Hon'ble Supreme Court in **State of Karnataka Lokayukta Police Vs. S. Subbegowda (2023) 17 SCC 699** by the accused-applicant in the discharge application is misplaced. The other judgments relied upon by the accused-applicant which are also distinguishable on facts. The reliance is also placed upon the judgment of Hon'ble Supreme Court in case titled **CBI V. Promila Virendra Kumar Agarwal & Ors. , Criminal Appeal No. 14891490 of 2019 dated 25.09.2019.**

5. *Per contra*, Ld. Counsel for the accused-applicant argued that at this stage he is only pressing for discharge on account of invalidity of the prosecution sanction as mandatorily required under Section 19 of the PC Act. Further, it is argued that

the said issue of invalidity of the prosecution sanction has to be raised at the early stage and accordingly, he has raised the said issue by filing the discharge application.

5.1 It is further argued that it is the admitted fact as reflected from the prosecution documents i.e. D-11 that the accused-applicant was appointed to the rank of Head Constable by the order of the Commissioner of Police and on the contrary, the prosecution sanction has been accorded by the official of the rank of Additional DCP. Admittedly, the prosecution sanction has been accorded by the official subordinate to appointing authority i.e Commissioner of Police and thereby violates the mandate of Article 311 of the Constitution.

5.2 It is further argued that the mere use of term “Functional Rank” in the promotion order is inconsequential as he was assigned and performing duty of Head Constable only as is reflected from the allegations in the FIR itself. His designation mentioned in the entire file is that of Head Constable only.

5.3 Further, it is argued by placing reliance on the judgment of Hon’ble Supreme Court in **Parshotam Lal Dhingra Vs. Union of India 1957 SCC OnLine SC 5**, **State of Assam & others Vs. Shri Kanak Chandra Dutta 1966 SCC OnLine SC 9** that it has been categorically held that for the purpose of Article 311 of the Constitution the nature of the appointment is inconsequential. **The said protection is accorded even to the employees who were holding the post on ‘temporary or officiating basis’.** Therefore,

the mere use of word “Functional Rank” in the promotion order of the accused-applicant issued by the Commissioner of Police is inconsequential and his case is squarely covered by the judgments referred above.

Reliance is also placed upon the judgments viz; **State of Karnataka Lokayukta Police V. S. Subbegowda (Supra)** and **State of Tamil Nadu V. M.M. Rajendran , (1998) 9 SCC 268**

6. **Heard and considered.**

7. The first and foremost legal issue raised on behalf of the prosecution qua the application for discharge is the fact that issue of validity of prosecution sanction cannot be raised/considered at this stage and the same is always a matter of trial.

It is not in dispute and the law on the said issue is well settled that the prosecution sanction is *sine qua non* for the prosecution of a public servant under the Prevention of Corruption Act,1988. The issue to be seen is whether the accused can raise the said issue at the stage of charge or not as has been argued on behalf of prosecution.

8. The very same issue of validity of the prosecution sanction and stage at which the said objection can be raised has been discussed by the Hon’ble Supreme Court in **Nanjaappa V. State of Karnataka (supra)** case and the relevant para-15 of the same is reproduced hereunder:

‘15. The legal position regarding the importance of sanction under [Section 19](#) of the Prevention of Corruption is thus much too clear to admit equivocation. The statute forbids taking of cognizance by the Court against a public servant except with the previous sanction of an authority competent to grant such sanction in terms of clauses (a), (b) and (c) to [Section 19\(1\)](#). The question regarding validity of such sanction can be raised at any stage of the proceedings. The competence of the court trying the accused so much depends upon the existence of a valid sanction. In case the sanction is found to be invalid the court can discharge the accused relegating the parties to a stage where the competent authority may grant a fresh sanction for prosecution in accordance with law. If the trial Court proceeds, despite the invalidity attached to the sanction order, the same shall be deemed to be non-est in the eyes of law and shall not forbid a second trial for the same offences, upon grant of a valid sanction for such prosecution’.

9. Thus, the said proposition of law as propounded makes it clear that the issue of validity prosecution sanction can be raised at any stage and the Court can discharge the accused in case it finds the sanction to be invalid in the eyes of law. The judgment relied upon by CBI in **CBI V. Pramila (supra) case** is distinguishable on facts as in that case Sanction was challenged on account of non-application of mind, which is not the case herein.

10. Now coming to the legal question raised in the present application seeking discharge of the accused. The proceedings are challenged on account of the invalidity of sanction under Section 19 of the PC Act 1988 on account of incompetency of Sanctioning Authority/Addl. Dy. Commissioner of Police-I, Mr. Sukanat S. Ballabh (LW-23). It is pleaded on behalf of the accused-applicant that sanction in the present case has been

accorded by Mr. Sukanat S. Ballabh (LW-23), the then Addl. Dy. Commissioner of Police-I, West District, Delhi.

10.1 It is the case of the accused that the said sanction is invalid and void as he is the officer below the rank of Appointing Authority and thus, non-est in the eyes of law. The accused-applicant, in support of the said averments, has placed reliance on order i.e Order No. 16572-661/ Promotion Cell (Desk-IV)/P.Br./PHQ Delhi dated 29.06.2022 whereby the applicant-accused was assigned the rank of Head Constable. The said order of assignment and appointment has been issued by Commissioner of Police, Delhi.

Therefore, as per the accused in view of mandate of the law as stipulated under Article 311 of Constitution of India, Additional Deputy Commissioner of Police West District, Delhi was not empowered to remove the applicant-accused Satish Meena from service. The said powers lies with his appointing authority i.e Commissioner of Police.

10.2 It is not in dispute that the accused-applicant was given a 'functional rank' of Head Constable vide order dated 29.06.2022 issued by the office of Commissioner of Police. Though the said order has been signed on his behalf by DCP, Head Quarter-IV, however the contents of the order itself reflects that the said functional rank of Head Constable to accused was accorded by the Commissioner of Police.

11. In the said backdrop, issue to be seen is who is the competent authority for removing of the accused-applicant from the services or specifically his appointing authority. The prosecution claims that the appointing authority continued to be the DCP or the Addl. DCP. In this regard, reliance is placed upon Section 21 of the Delhi Police Act 1978 as well as The Delhi Police (Punishment and Appeal) Rules 1980. It is further the case of prosecution that the said statutory Provisions as well as Rules confers the authority to award punishment for removal of service for the any officer upto the rank of Inspector upon Deputy Commissioner of Police. Similarly the power of appointment lies with Deputy Commissioner of Police for the officials upto the rank of Sub-Inspector.

12. Hence, the scope of the said statutory provisions *vis-a-vis* its operation in view of the mandate of law as enshrined under Article 311 of the Constitution requires consideration. The issue herein is as to whether the said provisions under the Delhi Police Act or the Delhi Police (Punishment and Appeal) Rules 1980 have to be read in isolation or subject to the mandate of the basic law as enshrined under Article 311 of the Constitution of India. The Article 311 of the Constitution of India provides as under:

Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State:-

(1) No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

13. The position of law as laid down by the Constitution of India is quite unambiguous that any member of service of Union, State etc cannot be dismissed or removed from the post by authority subordinate to by which he was appointed.

The said position of law is rather reiterated by Section 21 of Delhi Police Act, 1978 which has been relied upon by the prosecution itself. It specifically stipulates that said provision is subject to mandate under Article 311 of Constitution of India. Therefore, the Delhi Police Act or Rules, 1980 relied upon by the prosecution have to be read in accordance with the mandate of law as clearly stipulated under Article 311 of Constitution.

14. In the present case in hand though as per the statutory provisions the competent authority to appointment or removal the officials of the rank of Head Constable in 'Delhi Police' lies with the 'Deputy Commissioner of Police'. However, the said provisions cannot be said to act as an embargo upon the higher officials (higher to the rank of Deputy Commissioner of Police) to exercise the said powers of appointment as well as removal. Therefore, the argument of the prosecution by placing reliance upon Section 21 or Rules, 1980 to counter the claim of the accused is not tenable under law.

15. However, crux of the issue herein is as to whether indeed the accused-applicant was appointed/promoted to the rank of Head Constable by Commissioner of Police as has been argued by placing reliance upon the order dated 29.06.2022 (part of D-11).

16. The prosecution has placed on record the said the appointment orders of the accused (Part of D-11). He was initially appointed to the rank of Constable on 09.06.2010. The offer of the appointment letter was issued by the appointing authority i.e Deputy Commissioner of Police , Recruitment Cell, Delhi . The passing this order is not in dispute and dispute starts consequent to the order dated 29.06.2022 whereby the accused was accorded the ‘functional rank’ of Head Constable form the rank of Constable. **The issue herein is the interpretation and the scope of the said order . It is to be seen whether it can be termed as Promotion Order or not. If not then, the scope of the said order.**

17. The language of the said order as well as the conditions incorporated therein , makes it apparent that it is not a promotion order in the strict legal sense. The relevant part of the of the said order and conditions contained therein are reproduced hereunder for sake of convenience :

“ **ORDER**

The Commissioner of Police, Delhi is pleased to assign Functional Rank of Head Constable to the following Constables in their respective cadre with immediate effect to cope with emergent operational requirements of Delhi Police and in the interest of Government work, on the recommendation of the Screening Committee subject to the conditions given hereunder:

.....
.....

1. **There will be no change in existing seniority structure of any rank. The one who is granted functional rank shall continue to be on**

the seniority list of his/her substantive rank as before and will be considered for regular promotion on his/her turn.

2. The grant of rank neither affect the sanctioned strength of their substantive rank nor of the rank granted under this mechanism.

3. His/her rank under this mechanism will only be the personal rank of the person so designated.

4. He/she will be eligible to wear uniform of the rank to which he/she is designated.

5. He/she will not be eligible for any additional benefits or perks.

6. He/she may exercise such powers under Delhi Police Act which has been vested to th badge/rank he/she will wear.

7. He/she has to perform duties and responsibilities of the rank granted under this mechanism as well as that of his /her substantive rank if required by superior officers.

8. He/she shall retain their belt/range No. of the substantive rank.

9. They will undergo 30 days refresher course at STU of District/Units to make them capable to perform higher responsibilities. The course syllabus will be provided by Delhi Police Academy.

.....”

18. It is, thus, apparent from the contents of the said order that only a functional rank of Head Constable was given to the constables named in the order and the reasons for the same was to cope up with “emergent operational requirements of Police.” Further , the grant of said functional rank was subject to the conditions as enumerated from condition number 1 to 9.

The contents of the said nine conditions also makes it quite apparent that it was not a substantive promotion order giving substantive rank of Head Constable or conferring any additional financial benefits or perks. Even the belt and range number was retained by the officials named in the said order. The said belt number remained of the substantive rank i.e Constable. **Therefore, for all legal purposes, accused-applicant Satish Meena continued to remain on his substantive rank and was to be considered for regular promotion to the rank of Head Constable as and when time arrived.** He was merely performing the duties of Head Constable for the time being due certain emergent operational requirement. The said functional rank could have been withdrawn at any point of time, without the candidate raising of any right or claim over it.

19. The Ld. Counsel for the applicant-accused also argued that the mere use of word “Functional Rank” while giving the promotion to the applicant to the post of Head Constable is inconsequential and in this regard reliance has been placed upon by the pronouncements of Hon’ble Supreme Court in **Parshotam Lal Dhingra (supra) & Shri Kanak Chandra Dutta (supra)**.

20. The reliance placed upon the said two judgments is clearly misplaced when seen in the light of the facts and issues before the Hon’ble Supreme Court in **Parshotam Lal Dhingra (supra)** . The issue before the Hon’ble Supreme Court was whether the appellant was entitled to the protection under Article 311 (2) of the Constitution which envisages the regular enquiry before any

punishment of dismissal, removal etc. is accorded .In the said backdrop, the issue of permanent substantive post holder vis-a-vis the holder of the post on temporary basis for certain period or officiating basis was considered and accordingly, the challenge to the reversion to the rank of petitioner was dismissed. Similarly, in the **State of Assam & others Vs. Shri Kanak Chandra Dutta (supra)** too the question was of the interpretation of the Article 311 (2) of the Constitution and as to whether the petitioner was entitled to its protection or not.

21. In the present case in hand, there is no question of applicant-accused holding the post of Head Constable on 'temporary basis' by virtue of the order of the Commissioner of Police as referred as has been argued. **Rather the contents of the order itself make it apparent that purposely in the said order the word "Appointment or Promotion" has not been used.** The wording of the said order throws light over its object. It was only for the temporary basis and without conferring any substantive right, the functional arrangement was made . The functional rank of Head Constable was assigned to the Constables working in substantive capacity.

22. In the said backdrop, the said order is of no help to the accused-applicant as he was neither holding the post nor was appointed to the rank of Head Constable in the substantive capacity as envisaged under Article 311 (1) of the Constitution.

23. The applicant also seems to have selectively read the documents which are the part of D-11.

It is the service record seized during investigation being provided by the office of Additional Deputy Commissioner of Police, West District, Delhi vide letter dated 24th of April 2025. The first such document is the personal data of the applicant-accused and as per the said personal data document ,the disciplinary authority, appointing authority, officer competent to remove from service are all stated to be “DCP”.

Similarly, vide order dated 11th of March 2025 the Deputy Commissioner of Police, West District, New Delhi has placed the applicant-accused under suspension pending enquiry into his misconduct. If indeed it is claim of the applicant that his appointing authority being the Commissioner of Police, then he should have challenged said suspension order as well as initiation of disciplinary proceedings issued by Deputy Commissioner of Police West District, New Delhi, which as per him is Commissioner of Police. But despite lapse of more than one year since the issuance of said suspension order, no action seems to have been taken by the applicant and thus rule of estoppel would operate against him on the said aspect of competence of the disciplinary authority.

The other judgments relied upon by the accused are also distinguishable on facts.

24. In the light of the said reasons the arguments advanced on behalf of the accused-applicant seeking discharge on the ground

of invalidity of the prosecution sanction under Section 19 of the PC Act is liable to be rejected.

25. Now coming to the merits of the case. It is the case of the prosecution that FIR in question came to be registered on the basis of the complaint of complainant Sachin Mehta lodged on 10th of March 2025 wherein he alleged about the demand of bribe of Rs 21,000/- for opening the outlet and Rs 5000/- monthly to run the shop smoothly from the complainant by the accused-applicant who was working as Head Constable in P.S. Hari Nagar. The Verification of the said demand was conducted by Verifying Officer Ravinder Kumar Bharti .The calls exchanged between the accused and complainant on the said topic were got tapped.

26. The said conversation prima facie at this stage establish the demand of bribe of Rs 11,000/- on the part of the accused-applicant for opening the outlet and Rs 5,000/- per month as bribe to run the shop smoothly. Accordingly, the trap came to be led on 10th of March 2025 by the Trap Laying Officer Inspector Jaswinder Singh in the presence of two independent witnesses complainant and other CBI officials. The accused allegedly accepted the bribe amount of Rs 11,000/-, however as soon as the pre-decided signal was given by the complainant and team rushed towards the accused-applicant, he fled away on his bike along with tainted amount. The said allegations of fleeing away from the spot are also relevant conduct and has to be read against the accused-applicant at this stage.

27. The mere non-recovery of the bribe amount is not relevant when seen in the light of the fact that both the independent witnesses as well as the complainant in their statements recorded under Section 180 BNSS 2023 have alleged about the demand and acceptance of bribe at the spot by the accused-applicant.

28. In view of the above reasons, *prima facie*, there is sufficient material on record to frame charges against the accused for the offence under Section 7 of the Prevention of Corruption Act, 1988 and Section 238 of BNS,2023.

Formal charge as stated-above be framed separately.

The application (IA-2/2026) of the accused/applicant seeking discharge is accordingly dismissed.

It is clarified that nothing observed herein shall have any bearing on the final outcome of the case.

**Announced in the open Court
on 15th April 2026**

(GAGANDEEP SINGH)
Special Judge, PC Act, CBI-04
Rouse Avenue Courts, New Delhi