2026:CGHC:4282

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 134 of 2026

1 - Nanda Ram Painkra S/o. Late Ramdas, Aged About 57 Years R/o. Transit Hostel, C.H.C. Udaipur, District Surguja C.G. Present R/o. Ward No.8, Mahuapara, Ambikapur, District Surguja, Chhattisgarh.

... Petitioner(s)

versus

1 - State of Chhattisgarh EOW/ACB, Raipur, Branch ACB, Ambikapur, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Anurag Singh, Advocate.
For State	:	Shri Sumit Singh, Dy. Advocate General.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

23.01.2026

1. The present criminal revision under Section 438 read with Section 442 of BNSS, 2023 has been filed by the petitioner against the order dated 02-12-2025, passed by learned Special Judge (prevention of Corruption Act), Surguja, Ambikapur, in Special Criminal Case No.03/2025, whereby the charge under Section 7 and 12 of the Prevention of Corruption Act, 1988, Amended on 2018, has been framed.

2. The case of the prosecution is that, complainant Ashu Rohit Khalkho, made a complaint to the Anti-Corruption Bureau, Ambikapur (in short 'A.C.B.') with the allegation that he submitted the T.A. bill for its

payment from the month of December 2023 to July 2024, total amounting to Rs. 20,370/- to the Community Health Centre, Udaypur. On 26-03-2025, the amount of Rs. 20,000/- was disbursed to him, but the concerned accountant, Kaushlendra Prasad Pandey, demanded 50% of the amount of the T.A. bill by saying that if he did not give him Rs.10,000/-, he would not pass the bills in future. The conversation between the complainant and Kaushlendra Prasad Pandey and Ashu Rohit Khalkho (complainant) was recorded on 21-04-2025, and after its verification by the A.C.B., Dehati Nalisi was registered and a trap team was constituted. On 01-05-2025, the trap party, after preparing various panchnamas and other formalities, went to the office of the Community Health Centre, Udaypur. After completion of the transaction, when the complainant made a gesture, the trap party conducted a raid in the office of the Accountant, Community Health Centre, Udaypur. The complainant disclosed that on the instance of Kaushlendra Prasad Pandey, he gave the tainted currency notes to the present petitioner, Nanda Ram Paikra, who is also the accountant at Community Health Centre, Udaypur. He kept it in his front pocket of pant. When the hands of Kaushlendra Prasad Pandey were washed, the solution turned pink. Thereafter, the hand wash solution of the present petitioner also turned pink in colour. The tainted currency notes were seized by the trap party, and after completion of the usual investigation charge sheet was filed against both the accused persons, including the present petitioner, for the offence under Sections 7 and 12 of the Prevention of Corruption Act, 1988, as amended in 2018 (in short ‘the P.C. Act’). The learned trial

Court has framed a charge for the offence under Section 7 and 12 of the P.C. Act, vide order dated 02-12-2025 and proceeded with the trial. The petitioner, who is the Accountant/AG-III, has filed the present petition challenging the order framing charge dated 02-12-2025.

3. Learned counsel for the petitioner would submit that the petitioner has never demanded any amount from the complainant. The amount was not given by the complainant to the petitioner. It is the co-accused Kaushlendra to whom he has given the amount to the petitioner. In the entire charge sheet, there is no allegation that at any point in time, the petitioner has demanded the amount from the complainant in lieu of illegal gratification to pass his T.A. bills. Merely recovery of the amount would not be sufficient to prosecute the petitioner for the offence under the P.C. Act. The petitioner was not competent to pass T.A. bills of the complainant, and therefore, there was no reason for any demand or acceptance of the bribe amount. Therefore, there is no material against the petitioner in the charge sheet to frame a charge and to proceed with the trial of the case.

4. On the other hand, learned counsel for the State submits that the petitioner has taken an amount of Rs.10,000/- to pass the T.A. bills along with Kaushlendra Prasad Pandey. At the time of the raid, the hand wash solution of the present petitioner, as well as the co-accused Kaushlendra Prasad Pandey, turned pink, which clearly demonstrates that the petitioner was also involved in the offence of illegal gratification along with the co-accused. The various panchnamas prepared during the trap proceeding disclose the prima facie commission of offence by the petitioner, which cannot be disbelieved without recording the evidence of prosecution witnesses. There is sufficient material in the charge sheet against the petitioner, and the learned trial Court has framed the charge and proceeded with the trial; therefore, there is no merit in the petition, and the same is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the documents annexed with the petition.

6. From perusal of the material available in the charge sheet, it cannot be said that the petitioner is not involved in the offence. There was sufficient material to proceed in the case and to frame charge of the offence. The defence taken by the petitioner is subject to examination of the evidence before the trial Court.

7. In the present case, there is evidence that the solution of hand washing of the petitioner also turned pink colour. There is a statement of the complainant that on the instance of the co-accused Kaushlendra Prasad Pandey, he gave the tainted currency notes to the present petitioner, who is the Accountant/AG-III. In the instance of Kaushlendra Prasad Pandey, he gave the amount to him and made a gesture to the trap party. In his statement, he stated the manner in which the trap was laid and the process of search and seizure of the tainted currency notes. The statement of Vividh Pal Singh, Rajesh Mishra, Manohar Vishwakarma, Sanjay Kumar Singh, Dr. Ajay Pal Singh, Sandeep Kumar Kushwaha, and Ashu Rohit Khalkho, stated about the entire proceeding of the trap party and involvement of the present petitioner in the offence in question. Various panchnamas also disclose prima facie offence against the petitioner. The petitioner could not be able to disclose any palpable infirmity or perversity, and there is no sufficient evidence against the petitioner to proceed with the trial.

8. Further, the learned trial Court has framed a charge against the petitioner for the offence under Sections 7 and 12 of the P.C. Act. The law is well settled with respect to framing off charge. In the matter of ***Manjit Singh Virdi vs. Hussain Mohammad Shattaf 2023 (7) SCC 633***, the Hon'ble Supreme Court has held in para 12 of its judgment that:-

> "12- The law on the point has been summarised in a recent judgment of this Court in State of Rajasthan v. Ashok Kumar Kashyap2. Relevant paras are extracted below: -
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> > "11.1. In P. Vijayan v. State of Kerala, (2010) 2 SCC 398, this Court had an occasion to consider Section 227 CrPC What is required to be considered at the time of framing of the charge and/or considering the discharge application has been considered elaborately in the said decision. It is observed and held that at the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. It is observed that in other words, the sufficiency of grounds would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him. It is further observed that if the Judge comes to a conclusion that there is sufficient ground to proceed, he will frame a charge under Section 228 CrPC, if not, he will discharge the accused. It is further observed that while exercising its judicial mind to the facts of the case in order to 2 (2021) 11 SCC 191 Criminal Appeal No. 1399 of 2023 determine whether a case for trial has been made out by the prosecution, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.
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> 11.2. In the recent decision of this Court in State of Karnataka v. M.R. Hiremath, (2019) 7 SCC 515, one of us (D.Y. Chandrachud, J.) speaking for the Bench has observed and held in para 25 as under: -
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> > "25. The High Court [M.R. Hiremath v. State, 2017 SCC OnLine Kar 4970] ought to have been cognizant of the fact that the trial court was dealing with an application for discharge under the provisions of Section 239 CrPC. The parameters which govern the exercise of this jurisdiction have found expression in several decisions of this Court. It is a settled principle of law that at the

> stage of considering an application for discharge the court must proceed on the assumption that the material which has been brought on the record by the prosecution is true and evaluate the material in order to determine whether the facts emerging from the material, taken on its face value, disclose the existence of the ingredients necessary to constitute the offence. In State of T.N. v. N. Suresh Rajan, (2014) 11 SCC 709, Criminal Appeal No. 1399 of 2023 adverting to the earlier decisions on the subject, this Court held:-
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> > "29. ... At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage."

9. Further, in the matter of ***State by SP through the SPE, CBI vs. Uttamchand Bohra, 2022 (16) SCC 663***, the Hon'ble Supreme Court has held in para 21 of its judgment that:

> "21- In CBI v. K. Narayana Rao this Court, after reviewing the previous decisions that dealt with the question of the applicable standard relating to discharge of accused in a criminal case, summarized the principles in the Following terms:-
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> > "12. The first decision in Ramesh Singh relates to interpretation of Sections 227 and 228 of the Code for the considerations as to discharge the accused or to proceed with trial. Para 4 of the said judgment is pressed into service which reads as under:-
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> > > 4. Under Section 226 of the Code while opening the case for the prosecution the Prosecutor has got to describe the charge against the accused and state by what evidence he proposes to prove the guilt of the accused. Thereafter comes at the initial stage the duty of the Court to consider the record of the case and the documents submitted therewith and to hear the submissions of the accused and the prosecution in that behalf. The Judge has to pass thereafter an order either under Section 227 or Section 228 of the Code. If "the Judge considers that there is no sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing", as enjoined by Section 227. If, on the other hand, "the Judge is of opinion that there is ground for presuming that the accused has committed an offence which (b) is exclusively triable by the court, he shall frame in writing a charge against the accused", as provided in Section 228. Reading the two provisions together in juxtaposition, as

> they have got to be, it would be clear that at the beginning and the initial stage of the trial the truth, veracity and effect of the evidence which the Prosecutor proposes to adduce are not to be meticulously judged. Nor is any weight to be attached to the probable defence of the accused. It is not obligatory for the Judge at that stage of the trial to consider in any detail and weigh in a sensitive balance whether the facts, if proved, would be incompatible with the innocence of the accused or not. The standard of test and judgment which is to be finally applied before recording a finding regarding the guilt or otherwise of the accused is not exactly to be applied at the stage of deciding the matter under Section 227 or Section 228 of the Code. At that stage the Court is not to see whether there is sufficient ground for conviction of the accused or whether the trial is sure to end in his conviction. Strong suspicion against the accused, if the matter remains in the region of suspicion, cannot take the place of proof of his guilt at the conclusion of the trial. But at the initial stage if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is not in the sense of the law governing the trial of criminal cases in France where the accused is presumed to be guilty unless the contrary is proved. But it is only for the purpose of deciding prima facie whether the Court should proceed with the trial or not. If the evidence which the Prosecutor proposes to adduce to prove the guilt of the accused even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, cannot show that the accused committed the offence, then there will be no sufficient ground for proceeding with the trial. An exhaustive list of the circumstances to indicate as to what will lead to one conclusion or the other is neither possible nor advisable. We may just illustrate the difference of the law by one more example. If the scales of pan as to the guilt or innocence of the accused are something like even, at the conclusion of the trial, then, on the theory of benefit of doubt the case is to end in his acquittal. But if, on the other hand, it is so at the initial is to end inking an order under Section 227 or Section 228, then in such a situation ordinarily and generally the order which will have to be made will be one under Section 228 and not under Section 227.

13. Discharge of the accused under Section 227 of the Code was extensively considered by this Court in P. Vijayan wherein it was held as under:-

‘10.... If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage he is not to see whether the trial will end in conviction or acquittal. Further, the words "not sufficient ground for proceeding against the accused" clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

11. At the stage of Section 227, the Judge has merely to sift the 9 evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. In other words, the sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him.'

14. While considering the very same provisions i.e. framing of charges and discharge of the accused, again in Sajjan Kumar, this Court held thus: -

> 19. It is clear that at the initial stage, if there is a strong suspicion which leads the court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the court to say that there is no sufficient ground for proceeding against the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is only for the purpose of deciding prima facie whether the court should proceed with the trial or not. If the evidence which the prosecution proposes to adduce proves the guilt of the accused even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, cannot show that the accused committed the offence, then there will be no sufficient ground for proceeding with the trial.
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> 20. A Magistrate enquiring into a case under Section 209 CrPC is not to act as a mere post office and has to come to a conclusion whether the case before him is fit for commitment of the accused to the Court of Session. He is entitled to sift and weigh the materials on record, but only for seeing whether there is sufficient evidence for commitment, and not whether there is sufficient evidence for conviction. If there is no prima facie evidence or the evidence is totally unworthy of credit, it is the duty of the Magistrate to discharge the accused, on the other hand, if there is some evidence on which the conviction may reasonably be based, he must commit the case. It is also clear that in exercising jurisdiction under Section 227 CrPC, the Magistrate should not make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial. Exercise of jurisdiction under Sections 227 and 228 CrPC.
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> 21. On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge:

> **(i)** The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.
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> **(ii)** Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.
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> **(iii)** The court cannot act merely as a post office or a a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.
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> **(iv)** If on the basis of the material on record, the court could form an opinion that the accused might have committed offence it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.
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> **(v)** At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.
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> **(vi)** At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case. **(vii)** If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal."

10. The Hon'ble Supreme Court has further held in ***State of Gujarat vs. Dilipsinh Kishorsinh Rao, 2023 SCC Online SC 1294***, that:-

> "10. It is settled principle of law that at the stage of considering an application for discharge the court must proceed on an assumption that

> the material which has been brought on record by the prosecution is true and evaluate said material in order to determine whether the facts emerging from the material taken on its face value, disclose the existence of the ingredients necessary of the offence alleged."
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> 11. This Court in ***State of T.N. v. N. Suresh Rajan*** adverting to the earlier propositions of law laid down on this subject has held: (SCC pp. 721-22, para 29)-
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>> "29. We have bestowed our consideration to the rival submissions and the submissions made by Mr Ranjit Kumar commend us. True it is that at the time of consideration of the applications for discharge, the court cannot act as a mouthpiece of the prosecution or act as a post office and may sift evidence in order to find out whether or not the allegations made are groundless so as to pass an order of discharge. It is trite that at the stage of consideration of an application for discharge, the court has to proceed with an assumption that the materials brought on record by the prosecution are true and evaluate the said materials and documents with a view to find out whether the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage."

11. In the matter of ***State (NCT of Delhi) vs. Shiv Charan Bansal and Others, 2020 (2) SCC 290***, the Hon'ble Supreme Court has held that at the stage of framing of charge, the trial court is not required to conduct a meticulous appreciation of evidence or a roving inquiry into the same and has the power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case is made out against the accused to proceed with the trial.

12. Considering the submissions advanced by learned counsel appearing for the parties, perusing the documents appended with the petition and also considering the contents of FIR and the charge sheet, I do not find any illegality or infirmity, and there is no sufficient ground to set aside the order dated 02-12-2025. Consequently, the present criminal revision is liable to be and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

inder