



2026:CGHC:3842



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 974 of 2025**

Shri Tanveer Ahamed S/o Shri Siraj Ahamed Aged About 36 Years (Now About 53 Years), R/o Mosimpura Parradand, Ambikapur, Chhattisgarh Former Veterinary Doctor, Block Development, Ambikapur Chhattisgarh (Now District Sarguja Chhattisgarh)

... Petitioner**versus**

1. State Of Chhattisgarh Through Superintendent Of Police, Department Of Anti Corruption Bureau, Raipur Chhattisgarh
2. Shri P.K. Sharma S/o Late Shri Rajaram Sharma Aged About 37 Years R/o Village Jogidipa, Pamgarh, Chhattisgarh The Then Chief Executive Officer
3. Shri Heeramani Singh Baghel S/o Late Shri Ramsingh Baghel Aged About 48 Years R/o Village/ Post Mohar, District Satna, Madhya Pradesh
4. Shri Rustam Khan S/o Tajuddin Khan Aged About 37 Years R/o Village Sakarkoni, Thana Majhigaon, District Gadwa, Bihar
5. Shri Badri Prasad S/o Kaluram Aged About 31 Years R/o Mu. Po. Artara, District Banda, Uttar Pradesh
6. Shri Om Prakash S/o Bechu Singh Aged About 35 Years R/o Boripara, Ambikapur, District Sarguja, Chhattisgarh
7. Abdul Rehman Kirmani S/o Hafiz Habib Ulla Aged About 30 Years R/o Village Churawal, Tehsil Churawal, Thana Churawal, District Soanbhadra, Uttar Praesh

... Respondents

For Petitioner : Mr. T.K. Tiwari, Advocate.

For Respondent No.01 /State : Mr. S.S. Baghel, Government Advocate and
Ms. Anusha Naik, Dy. Govt. Advocate.

**Hon'ble Mr. Ramesh Sinha, Chief Justice****Order on Board****22.01.2026**

1. Heard Mr. T.K. Tiwari, learned counsel, appearing for the petitioner. Also heard Mr. S.S. Baghel, learned Government Advocate and Ms. Anusha Naik, learned Deputy Government Advocate, appearing for respondent No. 01/State.
2. By this petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), the petitioner seeks to challenge the order dated 25.01.2025 passed by the learned Special Judge (Anti Corruption Act), Ambikapur, Sarguja (C.G.) in Case No. 01/2019 by which the application filed by the petitioner under Section 348 of the BNSS had been rejected.
3. Brief facts of the case is that in the year 1994-95, the petitioner was posted as an Assistant Veterinary Surgeon at Ambikapur. The then State Government of Madhya Pradesh issued a circular regarding the distribution of milch animals to beneficiaries belonging to the special category. To implement the Government scheme, a Committee was constituted under the chairmanship of the Collector, Ambikapur. As per the prescribed rules, applications were invited from interested candidates belonging to the covered categories. After approval of the applications by the Committee, suppliers of high-breed milch animals were invited, and proposed rates were obtained. After scrutiny and verification of the proposed rates, the concerned suppliers (animal suppliers) were directed to supply animals of the prescribed standards. The animals were supplied, and the beneficiaries were invited to check the milking capacity and breed of the animals. The animals were also



physically examined by the Medical Officer, i.e., the petitioner. After proper verification and satisfaction of the beneficiaries, in the presence of the then Collector and other authorized officers, the animals were handed over to the beneficiaries. Thereafter, letters of satisfaction were obtained after confirmation of the milking capacity.

4. As per the Government rules, recovery proceedings relating to the loan amount of the milch animals were initiated against the beneficiaries by issuing notices. At that stage, an anonymous complaint was made alleging the supply of desi cows and unhealthy animals. In fact, high-breed milch animals were supplied, which required proper care and diet; however, the beneficiaries failed to provide proper meals/diet and care to the animals. As a result, some of the animals fell ill and their milking capacity was reduced. Further, no proper treatment was provided, due to which some of the animals belonging to the beneficiaries died. Prior to handing over the animals, the same were insured by the insurance company. The beneficiaries claimed and received the insured amount. During claim verification, the insurance company clearly mentioned that the breed of the animals was Jersey.
5. After receipt of the anonymous complaint, the Collector of the concerned District, Ambikapur, personally investigated the complaint and found that the allegations were false and fabricated. The complaint was made only to avoid payment of the loan amount by the beneficiaries. Despite the letter issued by the then Collector of Ambikapur to the S.P., Anti-Corruption Bureau, Bilaspur, an FIR was registered in the year 1998, in which the name of the petitioner was not mentioned. Respondent No. 1 approached the department of the petitioner seeking sanction to prosecute the petitioner under Section 19 of the Prevention of Corruption



Act, which was refused. After refusal of sanction by the Veterinary Department, respondent No. 1 approached the Law and Legislative Department for issuance of sanction to prosecute the petitioner, while suppressing the fact of refusal of sanction by the Veterinary Department. Thereafter, the Law Department issued a sanction order to prosecute the petitioner.

6. Thereafter, the petitioner filed a writ petition bearing Writ Petition No. 4141/2006 challenging the sanction order issued by the Law and Legislative Department. After hearing, this Court had stayed the effect and operation of the sanction order issued by the Law and Legislative Department. Despite the interim order, the charge-sheet was filed by respondent No. 1 before the Special Judge (A.C.A.), Ambikapur, including the name of the petitioner. Thereafter, this Court was disposed of the petition, granting liberty to the petitioner to file an application before the trial Court, i.e., the Special Court, Ambikapur.
7. In compliance with the said order, the petitioner filed an application under Section 19(4) of the Prevention of Corruption Act before the learned Special Judge, Ambikapur, referring to the order passed by this Court, as well as the order passed by this Court in CRR No. 149/2013 (K.N. Yadav and Another vs. C.B.I.).
8. On 01.12.2022, the learned trial Court passed an order allowing the application filed by the petitioner and directing issuance of summons to the Secretary, Veterinary Department, State of Chhattisgarh, and the Secretary, Law and Legislative Department, State of Chhattisgarh.
9. As per the order passed by the learned trial Court, the case was fixed for recording the evidence of the Secretaries of the Veterinary Department and the Law and Legislative Department. On 07.10.2023, two persons



namely G.C. Kujur and Dinesh Chandra Sahu were present. However, the learned trial Court, referring to the order dated 01.12.2022, discharged both persons without examining them as witnesses, since Mr. G.C. Kujur was holding the post of Assistant Director in the Veterinary Department (and not the Secretary), and Mr. Dinesh Chandra Sahu was a Section Officer (Judicial Section) in the Law and Legislative Department.

10. On 25.09.2024, the learned Presiding Officer of the trial Court passed an order reviewing the order dated 01.12.2022, and directed that in place of the Secretary, Law and Legislative Department, the Additional Secretary, Law and Legislative Department, and in place of the Secretary, Veterinary Department, the Additional Secretary, Veterinary Department, be summoned as witnesses. On 23.11.2024, Mr. G.C. Kujur, who was earlier discharged by the former Presiding Officer of the Special Court, again appeared on behalf of the Additional Secretary, Veterinary Department, without bringing any record relating to the sanction order of the petitioner. Further, he was neither the Additional Secretary nor the Deputy Secretary of the Veterinary Department; therefore, he was again discharged by the trial Court. Thereafter, the witnesses i.e., the Additional Secretary, Veterinary Department and the Additional Secretary, Law and Legislative Department, were again summoned by the learned trial Court. On 17.12.2024, again Mr. G.C. Kujur, Deputy Director, appeared before the Court without producing any record of the Veterinary Department relating to the exercise of power for sanction and competency. Despite the same, he was examined by the learned trial Court and thereafter discharged.
11. During cross-examination, Mr. G.C. Kujur admitted that he had no



knowledge regarding the sanction proceedings initiated against the petitioner. He further admitted that the original records are available in the Veterinary Department at the office of the Secretary. The petitioner intended to file an application under Section 348 of the BNSS before the learned Trial Court, with a prayer to summon the witness in compliance with the order dated 01.12.2022, i.e., the Secretary/Additional Secretary of the Veterinary Department, along with the relevant records of sanction proceedings relating to the petitioner.

12. On 25.01.2025, an order was passed whereby the application filed by the petitioner was dismissed. Hence, the present petition.
13. Learned counsel for the petitioner submits that the impugned order passed by the learned trial Court is illegal and arbitrary, and therefore deserves to be quashed. The impugned order has been passed by the learned trial Court without proper application of mind and without due consideration of law. On 01.12.2022, the former Presiding Officer of the Court had already passed an order directing the summoning of the Secretary, Veterinary Department and the Secretary, Law and Legislative Department as witnesses. He also submits that the present Presiding Officer passed an order whereby the order dated 01.12.2022 reviewed, and in place of the Secretaries, the Additional Secretaries were directed to be summoned, despite the fact that there is no provision under the CrPC/BNSS empowering the trial Court to review its own order. On 07.10.2023, the Deputy Director, Veterinary Department, namely Mr. G.C. Kujur, and Mr. Dinesh Chandra Sahu, Section Officer (Judicial Section), Law and Legislative Department, were present before the learned Trial Court. The predecessor Presiding Officer of the trial Court, referring to the order dated 01.12.2022, passed an order whereby



both persons were discharged without recording their evidence, since the order dated 01.12.2022 directed the summoning of the Secretaries of the concerned departments. He further submits that on 25.09.2024, the learned trial Court passed an order and effectively set aside/removed the order dated 01.12.2022 without any authority under the provisions of the B.N.S.S., and therefore the said order deserves to be quashed. On 23.11.2024, again Mr. G.C. Kujur appeared before the Court in place of the Secretary/Additional Secretary of the Veterinary Department, without producing any record and without having proper authority. He was discharged without examination as a witness by the learned Trial Court. Thus, it is clear that the Secretary, Veterinary Department did not comply with the order of the trial Court, however, no action was initiated by the learned trial Court. He submits that on 17.12.2024, again Mr. G.C. Kujur appeared before the trial Court on behalf of the Secretary/Additional Secretary of the Veterinary Department without producing any record relating to the sanction proceedings of the revisionist. However, the learned trial Court permitted his examination as a witness. The examination of Mr. G.C. Kujur without relevant records and without proper authority is illegal and arbitrary; hence, the same deserves to be set aside.

14. Learned counsel for the petitioner submits that on 04.01.2025, an application was filed by the petitioner seeking summoning of the Secretary, Veterinary Department, along with the records of the sanction proceedings relating to the petitioner. Despite the same, on 14.01.2025, Mr. Dinesh Chandra Sahu, Section Officer (Judicial Section), Law and Legislative Department, was permitted by the learned trial Court to be examined, whereas the order dated 01.12.2022 specifically directed summoning of the Secretary, Law and Legislative Department as a



witness. The learned trial Court erred in appreciating the object of law and permitted an unauthorized and incompetent person to be examined as a witness, contrary to the order dated 01.12.2022 passed by the predecessor Presiding Officer of the Trial Court. The learned trial Court failed to consider the legal grounds raised by the petitioner in his application filed under Section 348 of the BNSS and passed an order contrary to the provisions of law; therefore, the impugned order deserves to be quashed.

15. On the other hand, learned State counsel opposes the submissions of learned counsel for the petitioner and submits that while the petitioner was posted as Assistant Veterinary Surgeon at Ambikapur, District Surguja, an FIR was registered against the petitioner and other co-accused persons in Crime No. 39/1998 for the offences punishable under Sections 420 and 120-B of the IPC and Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988. After due investigation, the Lokayukt/Anti-Corruption Bureau (ACB) filed a charge-sheet against the petitioner and other co-accused persons vide Challan No. 41/2018 dated 27/11/2018, for offences punishable under Sections 420, 120-B, 467, 468 and 471 of the IPC and Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988, before the Court of the learned Special Judge (ACB), Ambikapur, District Surguja (C.G.). It is argued that the petitioner had earlier preferred Writ Petition No. 4141/2006 before this Court. Similar writ petitions were also filed by the co-accused persons namely H.M.S. Baghel and Sushil Kumar Dharmik bearing W.P. No. 2377/2006, by which this Court had granted interim protection in favour of the petitioner, and therefore, no further proceedings were carried out against him during the subsistence of the interim order. However, on 14.11.2019, W.P. No. 4141/2006 was finally heard and,



upon the request of the petitioner, the same was permitted to be withdrawn with liberty to approach the concerned trial Court, in light of the observations made by the Hon'ble Supreme Court in ***CBI & Ors. vs. Mrs. Pramila Virendra Kumar Agrawal & Anr.***, decided on ***25.09.2019*** in ***Criminal Appeal Nos. 1489–1490 of 2019***. Accordingly, the petition was disposed of, reserving the right of the petitioner to approach the trial Court with respect to his grievance, particularly regarding the manner in which sanction was granted for initiating prosecution. It is further argued that thereafter, the learned trial Court registered Special Criminal Case (Prevention of Corruption Act) No. 01/2019. During pendency of the said case, the petitioner moved an application before the learned trial Court under Section 348 of the BNSS, 2023, seeking summoning/recalling of the witness, namely the Secretary, Veterinary Department, Government of Chhattisgarh, for evidence relating to the issue of sanction under Section 19(1) of the Prevention of Corruption Act, 1988. The learned trial Court, after considering the application and the case diary, vide order dated 14.01.2025, rejected the petitioner's application dated 04.01.2025 (I.A. No. 01/2025) and fixed the matter for hearing on 03/02/2025.

16. Learned State counsel further submitted that the petitioner filed an application under Section 19(4) of the Prevention of Corruption Act, 1988, which was dismissed vide order dated 14.02.2025. The learned trial Court further observed that the petitioner had failed to make out grounds for discharge and fixed the matter for arguments on framing of charge on 04.04.2025. It is also submitted that the trial pending before the Court of the learned Special Judge (Prevention of Corruption Act), Ambikapur, District Surguja (C.G.), in Special Sessions Case No. 01/2019, is presently at the stage of framing of charge against the



petitioner, and the matter is fixed for further hearing on 04.04.2025. Since the petitioner is a public servant discharging public duties, sanction for prosecution under Section 19(1) of the Prevention of Corruption Act, 1988 is mandatory. Accordingly, a request for grant of prosecution sanction was made to the Department of Law and Legislative Affairs in relation to Crime No. 39/1998, as per the circular issued by the General Administration Department, erstwhile State of Madhya Pradesh, dated 24.01.1997. The Law and Legislative Affairs Department, after examining the letter of the Senior Superintendent of Police, ACB/EOW, Raipur, in light of the relevant State Government circulars and the judgment of the Hon'ble Supreme Court in ***Dr. Subramaniam Swamy vs. Dr. Manmohan Singh & Ors., (2012) 1 SCC 1041***, considered the material placed by the prosecution/investigating agency and, after due application of mind, granted prosecution sanction against the petitioner vide order dated 04.04.2006, which was thereafter filed before the learned Special Court. It is submitted that vide circular dated 21.04.1997, the erstwhile State of Madhya Pradesh amended the Rules of Business relating to grant of prosecution sanction under Section 197 Cr.P.C. and the Prevention of Corruption Act, and delegated such power to the Department of Law and Legislative Affairs.

17. It is submitted by learned State counsel that insofar as the sanction accorded by the Additional Secretary, Law and Legislative Affairs Department, is concerned, the erstwhile State of Madhya Pradesh had taken a policy decision vide memo dated 28.02.1998, providing that in matters relating to the Prevention of Corruption Act against Government officers/employees, permission for prosecution shall be granted by the Department of Law and Legislative Affairs, and the procedure for sanction shall be the same as applicable to cases investigated by the



Lokayukt Organization. It is respectfully submitted that, while passing the order dated 14.01.2025, the learned Special Judge (Prevention of Corruption Act), Ambikapur, District Surguja (C.G.), in Special Criminal Case No. 01/2019, has exercised jurisdiction vested in the Court under the provisions of the BNSS and the Prevention of Corruption Act, 1988. The learned Trial Court has acted within its statutory authority and with due diligence. The impugned order is subject to judicial scrutiny by this Court, and its legality and validity are to be adjudicated accordingly. In view of the submissions made hereinabove, the present petition is not maintainable and is liable to be dismissed.

18. Having heard learned counsel for the parties at length and upon careful perusal of the pleadings, annexures and the material placed on record, this Court is of the considered opinion that the petitioner has failed to make out any case for interference with the impugned order dated 25.01.2025 passed by the learned Special Judge (Prevention of Corruption Act), Ambikapur, District Surguja (C.G.), in exercise of this Court's limited supervisory jurisdiction under Section 528 of the BNSS.
19. It is well settled that the powers under Section 528 BNSS (akin to Section 482 Cr.P.C.) are extraordinary in nature and are required to be exercised sparingly, cautiously and only to prevent abuse of the process of the Court or to secure the ends of justice. The inherent jurisdiction is not intended to be invoked merely because another view is possible or because the petitioner is dissatisfied with the manner in which the trial Court has exercised its discretion.
20. In the present case, the controversy essentially revolves around the validity of sanction for prosecution under Section 19 of the Prevention of Corruption Act, 1988, and the petitioner's insistence on summoning



particular officers, namely the Secretary/Additional Secretary of the Veterinary Department, for proving the alleged infirmities in the sanction proceedings. The record reveals that the petitioner has already availed multiple remedies before this Court as well as before the learned trial Court, and the issue relating to sanction has been examined at various stages.

- 21.** The learned trial Court, while passing the impugned order dated 25.01.2025, has taken into consideration the nature of evidence already brought on record, the examination of witnesses conducted so far, and the stage of the proceedings, which is presently at the stage of framing of charges. The trial Court has exercised its discretion under Section 348 BNSS judiciously and has recorded cogent reasons for rejecting the application seeking further summoning/recalling of witnesses.
- 22.** Mere non-examination of a particular officer, by designation, cannot ipso facto render the sanction proceedings invalid, especially when the sanction order itself is on record and the prosecution claims that the sanctioning authority applied its mind to the material placed before it. The sufficiency or adequacy of material for grant of sanction, as well as the manner of application of mind by the sanctioning authority, are matters to be tested during trial and cannot ordinarily be adjudicated conclusively at an interlocutory stage.
- 23.** The petitioner's contention that the learned trial Court reviewed or recalled its earlier order dated 01.12.2022 is also without substance. It is evident from the record that the subsequent orders were passed in the course of regulating trial proceedings and ensuring effective adjudication, which cannot be equated with a prohibited "review" of a judicial order. Procedural directions issued by a Court to facilitate trial cannot be



construed as a substantive review barred by law.

24. It is also pertinent to note that Hon'ble Supreme Court, in ***Dr. Subramanian Swamy*** (supra), has clarified that the object of sanction is to protect honest public servants while not shielding corrupt officials, and that irregularities, if any, in sanction do not vitiate proceedings unless a failure of justice is demonstrated. In the present case, petitioner has not been able to establish any such grave prejudice or failure of justice at this stage.
25. The learned trial Court has acted within the four corners of law, exercised discretion vested in it under the BNSS and the Prevention of Corruption Act, 1988, and has not committed any jurisdictional error, illegality, or perversity warranting interference by this Court. This Court does not find that the impugned order results in abuse of the process of law or miscarriage of justice so as to justify invocation of inherent or supervisory powers.
26. Consequently, this Court is of the considered opinion that the present petition is devoid of merit and does not call for any interference.
27. Accordingly, the petition is **dismissed**.
28. It is clarified that any observation made hereinabove is confined only to the adjudication of the present petition and shall not prejudice the parties during the course of trial, which shall proceed independently on its own merits, in accordance with law.

Sd/-
(Ramesh Sinha)
Chief Justice