



2026:CGHC:3842



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 411 of 2025**

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

... Applicant**versus**

1. State of Chhattisgarh Through Superintendent of Police, Department of Anti Corruption Bureau, Raipur (C.G.)
2. Shri P.K. Sharma S/o Lat Shri Rajaram Sharma Aged About 37 Years R/o Village Jogidipa, Pamgarh, (C.G.) The Then Chief Executive Officer District Ambikapur, (C.G.) (Now District Sarguja, C.G.)
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, (C.G.)
7. Abdul Rehman Kirmani S/o Hafiz Habib Ulla Aged About 30 Years R/o Village Churawal, Tehsil Churawal, Thana Churawal, District Soanbhadra, Uttar Pradesh.

... 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. This revision petition under Sections 438/442 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), has been filed against the order dated 14.02.2025 passed by the learned Court of Special Judge (Anti Corruption Act), Ambikapur, Sarguja in Case No. 01/2019 by which the application filed by the applicant under Section 19(4) of the Prevention of Corruption Act had been rejected.
2. 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.



3. 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 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.
4. 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. The 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.



5. 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 was granted interim order staying 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 Hon'ble Court was pleased to dispose of the petition, granting liberty to the petitioner to file an application before the trial Court, i.e., the Special Court, Ambikapur.
6. 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 Hon'ble High Court, as well as the order passed by this Hon'ble High Court in CRR No. 149/2013 (K.N. Yadav and Another vs. C.B.I.).
7. 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.
8. 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.

9. 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.
10. During cross-examination, the said witness 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 B.N.S.S. 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.

11. Despite, the application filed under Section 348 of the BNSS being pending for consideration, the learned trial Court examined the Section Officer of the Judicial Section of the Law and Legislative Department, contrary to the order dated 01.12.2022. Prior to this, the predecessor Presiding Officer of the Court had deferred the examination of this witness in terms of the order dated 01.12.2022.
12. On 14.02.2025, the learned trial Court passed an order dismissing the application filed under Section 19(4) of the Prevention of Corruption Act. Hence, the present revision.
13. Learned counsel for the applicant submits that the impugned order passed by the learned trial Court is illegal and arbitrary and, therefore, deserves to be quashed. He further submits that even in the charge-sheet, the role attributed to the applicant, shown as Accused No. 3, namely Shri Tanveer Ahmad, Veterinary Surgeon, is that he issued fitness certificates in respect of sick and weak cows supplied to the beneficiaries, thereby allegedly causing loss to the beneficiaries and suggesting his involvement in a criminal conspiracy. However, it is respectfully submitted that at the time of inspection and certification by the applicant, the animals were found to be fit and healthy. From the evidence of the prosecution witnesses themselves, it is clear that the animals were taken to the residences of the beneficiaries and kept there, and after a period of 3 to 4 months, the milking capacity was found to have reduced and some of the animals died. This clearly indicates that any loss or death of the animals occurred due to negligence on the part



of the beneficiaries and not due to any act or omission of the applicant.

14. Learned counsel further submits that no prima facie case is made out against the applicant, as there is absolutely no evidence of cheating under Section 415 of the IPC, fabrication of documents, use of forged documents, receipt of any amount from any beneficiary, or any direct interaction or involvement with the beneficiaries. The continuation of prosecution against the applicant is, therefore, a gross abuse of the process of law, and the charge-sheet deserves to be quashed. He further submits that the concerned department of the applicant had categorically recorded its findings regarding the conduct of the applicant in its refusal order. Despite this, the Law and Legislative Department proceeded to issue a sanction order, which is wholly contrary to the law.
15. Learned counsel submits that the order passed by the learned trial Court is also illegal and contrary to law inasmuch as, on 01.12.2023, the predecessor Presiding Officer passed a specific order directing that the Secretary of the Veterinary Department and the Secretary of the Law and Legislative Department be examined as witnesses. He submits that, in complete disregard of the said order dated 01.12.2023, the learned trial Court erroneously examined the Section Officer (Judicial Section), Law and Legislative Department, in place of the Secretary of the said Department, which is impermissible in law. He also submits that the learned trial Court further erred in examining Mr. G.C. Kujur, Deputy Director, Veterinary Department, who appeared before the Court without producing any relevant record and without possessing the requisite authority or competency. Such examination is wholly illegal and has seriously prejudiced the rights of the applicant. He submits that the learned trial Court committed a grave error in passing the order on the



application filed by the applicant under Section 19(4) of the Prevention of Corruption Act, as the learned trial Court itself failed to comply with the binding order passed by the predecessor Presiding Officer dated 01.12.2023. He further submits that the learned trial Court failed to appreciate that the sanction granted by the Law and Legislative Department suffers from total non-application of mind and is contrary to the rights of the applicant. The applicant's service career has been unjustly blemished, despite the fact that he discharged his official duties honestly and bona fide and issued the certificates in good faith, which had already been examined by the competent department and for which sanction had earlier been refused.

16. On the other hand, learned State counsel opposes the submissions of learned counsel for the applicant and submits that the present criminal revision, preferred under Sections 438 read with 442 BNSS, challenging the judgment and order dated 14.02.2025 passed by the learned Special Judge (Prevention of Corruption Act), Ambikapur, District Surguja (C.G.) in Case No. 01/2019, whereby the application filed by the applicant under Section 19(4) of the Prevention of Corruption Act was rejected, is misconceived, vague, and devoid of merit. The impugned order has been passed by the learned trial Court in judicial capacity after due consideration of oral and documentary evidence, including the examination of Dr. G.C. Kujur, Assistant Director, Veterinary Department, and Shri Dinesh Chandra Sahu, Section Officer, Law and Legislative Department, and is a well-reasoned order based on proper application of mind. The sanction for prosecution was granted following due procedure, even after the parent department declined consent, by placing the matter before the Coordination Committee and obtaining approval through the competent authority, including the Chief Secretary and the Hon'ble Chief



Minister, and therefore cannot be said to be illegal or vitiated. There is no concealment of facts, no manifest failure of justice, and no infirmity in the sanction order, as also supported by the law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh vs. Jiyalal*** passed in ***Appeal No.1386/2009*** vide judgment dated ***31.07.2009***. The record discloses sufficient material to prima facie proceed against the applicant, and the learned trial Court has rightly held that the sanction order is valid and that no ground for discharge is made out. Hence, the impugned order is legal, proper, and within jurisdiction, and the present criminal revision, being devoid of substance, deserves to be dismissed.

17. I have heard learned counsel for the parties and perused the prayers and pleadings made in the petition along with the annexures annexed in the petition.
18. Upon a comprehensive consideration of the rival submissions advanced by learned counsel for the parties, a careful scrutiny of the material available on record, and an in-depth examination of the impugned order dated 14.02.2025 passed by the learned Special Judge (Prevention of Corruption Act), Ambikapur, this Court is of the considered opinion that the present criminal revision does not merit interference.
19. It is well settled that at the stage of consideration of an application under Section 19(4) of the Prevention of Corruption Act, or while exercising revisional jurisdiction under Sections 438 read with 442 of the BNSS, the revisional Court is not expected to conduct a meticulous appreciation of evidence as would be done at the stage of final adjudication. The Court is only required to examine whether there exists prima facie material to proceed and whether the sanction for prosecution suffers from patent illegality, non-application of mind, or has resulted in a failure of justice.



- 20.** In the present case, the record reveals that the sanction for prosecution, though initially declined by the parent department of the applicant, was subsequently considered by the competent authorities through the prescribed administrative mechanism and granted after due deliberation at a higher level. Merely because an earlier opinion was expressed by the department, the subsequent sanction granted by the competent authority, upon consideration of the entire material placed before it, cannot be held to be ipso facto illegal or void. The law is fairly settled that sanction is an administrative act and the adequacy or sufficiency of material before the sanctioning authority is not to be scrutinized by the Court unless total non-application of mind or manifest illegality is demonstrated, which is conspicuously absent in the present case.
- 21.** As regards the grievance of the applicant relating to the examination of witnesses and alleged non-compliance with earlier interlocutory orders of the trial Court, this Court finds that such procedural aspects, even if assumed to be irregular, do not vitiate the sanction order nor do they result in a failure of justice at this stage. The learned trial Court has considered the evidence available before it, including the testimony of the witnesses examined, and has assigned cogent and plausible reasons for rejecting the application under Section 19(4) of the Prevention of Corruption Act. Any alleged procedural infirmity can always be addressed in accordance with law during the course of trial and does not warrant interference in revisional jurisdiction.
- 22.** The contention of the applicant that no prima facie case is made out against him and that the prosecution is an abuse of the process of law cannot be accepted at this juncture. The charge-sheet and accompanying material disclose allegations which require adjudication



on evidence. Whether the applicant acted bona fide, whether the certificates were issued in good faith, and whether the subsequent loss or death of the animals was attributable to negligence of the beneficiaries or otherwise are all disputed questions of fact which can only be determined after full-fledged trial and not in revisional proceedings.

- 23.** This Court also finds no perversity, arbitrariness, or jurisdictional error in the impugned order dated 14.02.2025. The learned Special Judge has exercised jurisdiction vested in him, has taken into account the relevant facts and legal position, and has passed a reasoned order. The view taken by the learned trial Court is a possible and legally sustainable view, and therefore, does not call for interference by this Court in exercise of its limited revisional powers.
- 24.** In view of the aforesaid discussion, this Court is satisfied that no case is made out for interference with the impugned order. The criminal revision is devoid of merit and is accordingly dismissed. It is clarified that the observations made herein are confined only to the disposal of the present revision and shall not prejudice the case of either party during trial, which shall proceed independently on its own merits and in accordance with law.
- 25.** Resultantly, the criminal revision stands **dismissed**. No order as to costs.

Sd/-
(Ramesh Sinha)
Chief Justice