

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 6126/2025

T. Venkat Ramanna S/o Sh. Venkatainkatya, Aged About 66
Years, H. No. 220, 5Th A Cross, Medarhali, C.b. Bangalore
(Karnataka)

-----Petitioner

Versus

Union Of India, Through Spe Cbi, Jodhpur

-----Respondent

Connected With

S.B. Criminal Misc(Pet.) No. 6006/2025

T Venkat Ramanna S/o Venkatainkatya, Aged About 66 Years, R/
o House No 220, 5Th A-Cross Medarhali, Cb Bangalore
(Karnataka)

-----Petitioner

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S.B. Criminal Misc(Pet.) No. 6124/2025

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For Petitioner(s)	:	Mr. Jugal Kishore Chanda
For Respondent(s)	:	Mr. P.C. Solanki

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

23/03/2026

The present criminal misc. petition has been filed aggrieved against the order dated 12.06.2025 passed by learned Special Judge CBI Cases, Jodhpur in all the three respective misc. petitions. Vide the order impugned the application under section 319 Cr.P.C filed by the accused for adding another person as a co-accused namely Sh. Sachin Shinde has been rejected.

Learned counsel for the petitioner by laying challenge to the order impugned has stated that although he was caught red handed in the trap proceedings as per the complaint made by the complainant itself he was collecting the amount on behalf of Sh. Sachin Shinde. He submits that, however despite this fact the Investigating Agency did not find the case against the proposed accused and in the investigation the case was found to be proved and charge-sheet was filed was against the petitioner-accused. He submits that thereafter, now the statements of the complainant Sushil Kumar Chopra has been recorded and as per which it clearly discloses the name of Sachin Shinde and Mukesh Khatri and based upon the statements the application under Section 319 Cr.P.C was filed by the petitioner for arraying Sachin Shinde as the accused in the trial.

It is further submitted that the learned trial court has committed grave illegality in dismissing the application as from the statements on record of the complainant clearly shows of the involvement of the petitioner. He submits that the learned trial court has rejected the application only on the ground that without there being any prosecution sanction against the accused he cannot be added as an accused. He submits that as the cognizance has already been taken, therefore, there is no

impediment in adding a co-accused under Section 319 Cr.P.C. Hence, it is prayed that the order be quashed and set aside and the application be allowed.

Learned counsel present for the Union of India Sh. P.C. Solanki however opposing the prayer made by the petitioner clearly states that there is no illegality in the order impugned and the court has rightly rejected the application in absence of any prosecution sanction issued against the proposed accused, Sh. Sachin Shinde. He submits that the law on this issue in no more res integra that without joining any prosecution sanction the Court cannot take cognizance or add any person accused while exercising power under Section 319 Cr.P.C.

This Court has heard learned counsel for the parties and perused the order impugned as well as the record. It is not in dispute that after investigating challan was only filed against the accused and their exist no case against Sachin Shinde was made out. Even after upon filing the challan no application under Section 190 Cr.P.C was ever filed by the accused-petitioner and now an application has preferred after statements of the complainant Sushil Kumar Chopra. Learned trial Court while considering the matter has taken into account the legal position and while holding that since there is no prosecution sanction against Sachin Shinde he cannot be arrayed as an accused under Section 319 Cr.P.C. The learned trial court has considered the judgment passed by the Hon'ble Apex Court in the case of ***State of Punjab vs. Pratap Singh Verka reported in 2024 INSC 483***. The Hon'ble Supreme Court in the said case held as under :-

"1.The State of Punjab is in appeal here against the judgment and order dated 02.08.2018, passed by the High Court of Punjab and Haryana setting aside the order dated 20.05.2017 of the Trial Court which had summoned respondent Pratap Singh Verka under Section 319 of Criminal Procedure Code (hereinafter referred to as 'CrPC') to face the trial for the offences under sections 7/13(2) of the Prevention of Corruption Act, 1988 (hereinafter referred to as 'P.C Act').

2. Brief facts of the case are that on 25.04.2016, an FIR u/s 7/13 (2) of the P.C Act was lodged against Respondent-Dr. Partap Singh Verka and another co-accused i.e. 'Vikas', at Police Station Vigilance Bureau, Amritsar. It was disclosed in the FIR that the present respondent was working as a doctor in Guru Nanak Hospital at the relevant point of time when complainant-Gurwinder Singh sought treatment for his brother who was in jail. The complainant alleged that on 20.04.2016 the Respondent took a bribe of Rs.10,000 from the complainant through the accused-Vikas for admitting the complainant's brother in his hospital, as he was otherwise reluctant to treat a prisoner. Again on 24.04.2016, the respondent demanded another Rs.10,000/- to keep the patient in the hospital for further treatment and asked the complainant to give that amount to the other accused i.e. 'Vikas' in two installments of Rs.5,000 each. The complainant, however, contacted the Vigilance Bureau instead and the officials of Vigilance laid a trap to catch the culprits. On 25.04.2016, the accused-Vikas (ward attendant) was caught red-handed in the parking lot of the hospital receiving Rs.5000 from the complainant. On the same day, the respondent was also arrested from his office.

11.It is a well settled position of law that courts cannot take cognizance against any public servant for offences committed under Sections 7,11,13 & 15 of the P.C. Act, even on an application under section 319 of the CrPC, without first following the requirements of Section 19 of the P.C Act. Here, the correct procedure should have been for the prosecution to obtain sanction under Section 19 of the P.C Act from the appropriate Government, before formally moving an application before the Court under Section 319 of CrPC. In fact, the Trial Court too should have insisted on the prior sanction, which it did not. In absence of the sanction the entire procedure remains flawed. We are completely in agreement by the decision of the High Court and therefore are not inclined to interfere with the impugned order passed by the High Court and accordingly this appeal is hereby dismissed."

In view of the law laid down by the Hon'ble Apex Court it is clear that without there being any prosecution sanction and without fulfilling the requirement of the **Section 19** of the Prevention of Corruption Act a person cannot be summoned to face the trial for offences under Section 7, 13(2) and 13(1)(D) of the Prevention of Corruption Act.

The learned trial Court has passed a reasoned and speaking order and the same is supported by the law laid down by the Hon'ble Supreme Court.

In view of the same, this Court find no illegality and infirmity in the order impugned dated 12.06.2025 and, therefore, the present criminal misc. petitions being devoid of merits is dismissed.

However, as observed by learned trial Court if any prosecution sanction is granted by the authority, the prosecution shall be free to file an application before the learned trial Court and the liberty so granted by the learned trial Court shall be available to the petitioner as observed in the para 11 of the impugned order.

Stay petition, as well as all pending application(s), if any, stand disposed of.

(BALJINDER SINGH SANDHU),J

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