

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

S.B. Criminal Leave To Appeal No. 277/2025

State Of Rajasthan, Through Pp

----Appellant

Versus

Abhay Singh Charan S/o Bhairudaan Charan, R/o Purani Ginnani,
Bikaner, The Then Circle Officer, Circle Ratangarh, District Churu

----Respondent

For Appellant(s)	:	Mr. Surendra Bishnoi, AGA
For Respondent(s)	:	--

HON'BLE MR. JUSTICE FARJAND ALI

Order

27/04/2026

1. The leave to appeal is barred by 108 days.
2. The matter comes upon an application filed under Section 5 of the Limitation Act for condonation of delay occasioned in filing of the leave to appeal.
3. It is averred in the application that after obtaining the certified copy of the impugned judgment, the matter was processed through various prosecutorial and legal authorities, who examined the record and approved filing an appeal before the High Court. During this process, certain documents were found missing and were later supplied. The appeal was subsequently prepared and filed after completion of all necessary formalities. The delay so occasioned is bona fide, unintentional and attributable to official processing, and therefore deserves to be condoned in the interest of justice.

4. For the reasons stated above, the application is allowed. The delay is hereby condoned. The leave to appeal shall be treated within limitation.
5. The present application seeking leave to appeal has been placed before this Court for consideration.
6. It is trite that the grant of leave to appeal is a condition precedent for the admission of an appeal and such leave is neither automatic nor a matter of right, but rests within the discretionary jurisdiction of the appellate Court. The purpose of seeking leave is to obtain the Court's permission to assail the impugned judgment before the appeal is formally entertained.
7. At the stage of consideration of leave, the Court is not expected to undertake a detailed examination of the merits of the case. The scope of scrutiny is confined to ascertaining whether the proposed appeal discloses arguable issues, raises substantial questions of law or fact, or otherwise demonstrates sufficient cause warranting appellate interference.
8. In a prosecution launched against the respondent, the learned trial court after full-fledged trial acquitted the respondent.
9. Upon perusal of the judgment impugned, there appears reasonable grounds to permit the State to prefer an appeal against the acquittal of the accused-respondent from the penal provisions of the Prevention of Corruption Act.

10. This Court is satisfied that the proposed challenge is neither frivolous nor vexatious and that the issues raised deserve consideration by the appellate Court.
11. Accordingly, the instant application seeking leave to appeal is allowed. The memo of leave to appeal shall be treated as an appeal and shall be registered as such.
12. Opportunity of hearing shall be afforded to the respondent at the time of hearing on the question of admission of the appeal.
13. Office is directed to proceed in accordance with law.

(FARJAND ALI),J