

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

S.B. Criminal Misc(Pet.) No. 8958/2024

Lokesh Jain S/o Sh. Shanti Lal Jain, Aged About 42 Years, R/o Plot No. 19, Madhav Nagar, Shobhagpura, Udaipur Currently R/o Flat No. 503, Aarchi Arihant Apartment, Shobhagpura, Near J.k. Paras Hospital, Udaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Add. Superintendent Of Police, Special Investigation Unit, Anti Corruption Bureau, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Vikas Balia, Sr. Advocate assisted by Mr. Hemant Kumar Ballani
For Respondent(s)	:	Mr. N.K. Gurjar, GA-cum-AAG with Mr. Yogendra Kumar Charan Mr. Sandeep Saraswat, Addl.S.P., ACB, Jaipur

HON'BLE MR. JUSTICE FARJAND ALI

Order

18/02/2025

1. The Officer is present-in-person before this Court when asked as to whether he found any nexus in between the public servant and the petitioner who alleged to be a middle man, the answer was in negative, he rather asserted that the public servant had no role to play in respect of the demand made by the petitioner from the victim. As a matter of fact, as on date no public servant is found involved in commission of crime. It is the plain and simple case of the prosecution that the victim was induced by the petitioner to provide some money as an illegal gratification in lieu of his pending work with an Officer. The Officer

would require to file an affidavit either himself or any legal Officer of his Office as to how a public man who is not a public servant can be prosecuted for contravention of any penal provision of PC Act, specially, in facts where neither any public servant is an accused or found in connivance with him or no public servant is complainant of the case so as to attract Section 7, 7A and 8 of the PC Act. I am of the view that a layman alone without any cahoot with any public servant cannot be prosecuted under PC Act.

2. List the matter on 27.03.2025.

3. In the meanwhile, further proceeding in pursuance of the charge-sheet No.210/2024 filed before the learned Special Judge, Session Court, CPC Court No.1, Udaipur for commission of the offences under Sections 7A of the Prevention of Corruption Act, 1988 and Section 420 of the Indian Penal Code, shall remain stayed.

(FARJAND ALI),J

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