

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Writ Petition No. 703/2024

Govind Parashar S/o Mohan Lal Sharma

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s) : Mr. Ashvani Garg

For Respondent(s) : Mr. Yashwant Kankhadia, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

09/04/2024

1. Learned counsel for the petitioner submits that an FIR No.197/2021 has been registered at Police Chowki Anti-Corruption Bureau Sawai Madhopur, Police Station Pradhan Aarakshi Kendra, Anti-Corruption Bureau, District Jaipur for the offences punishable under Section 7, 7A of the Prevention of Corruption (Amendment) Act, 2018 and Section 120B of IPC.

2. Learned counsel for the petitioner submits that no FIR can be registered under the provisions of Anti-Corruption Act against the employee of Central Government in the police station. He submits that an FIR can be registered with the Central Bureau of Investigation which is a Central Government Agency. Learned counsel places reliance on Para No.1.11 of the CBI Crime Manual, 2005 and Para No.2.4 of the ACB Manua, 2015 wherein it is categorically stated that the ACB lacks authority to register and investigate a case and submit a charge-sheet in certain situations, including the situation as posed in the present matter. He further submits that petitioner has already faced incarceration of one

month and presently, petitioner is on bail. He submits that issue involve in this matter with regard to the jurisdiction of registration of FIR is subjudice in other cases.

3. In view of the above submissions, issue notice to the respondents.

4. Learned State Counsel accepts notice on behalf of respondent No.1-State. Copy of this criminal misc. petition has already been supplied in his office.

5. Let notice be issued to respondents, through both the process, returnable on the next date of hearing. Requisites be filed within a period of two weeks, failing which, this petition shall stand dismissed without any further reference to the Bench.

6. List on 04.07.2024. Till next date of hearing, further proceedings in connection with FIR No. 197/2021 registered at Police Chowki Anti-Corruption Bureau Sawai Madhopur, Police Station Pradhan Aarakshi Kendra, Anti-Corruption Bureau, District Jaipur shall remain stayed.

(ANIL KUMAR UPMAN),J