

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Writ Petition No. 1938/2024

Anil Kumar Saxena S/o Lt. Shri Rajendra Prasad Saxena, aged about 49 Years, R/o House No. 756, Shanti Nagar, Gopalpura Bypass, Jaipur, Rajasthan.

-----Petitioner

Versus

1. State of Rajasthan, through Secretary, Agriculture Department, Government of Rajasthan, Secretariat, Jaipur.
2. The Director, Agriculture Marketing, Government of Rajasthan, Directorate, Krishi Bhawan, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr.Sandeep Saxena with Ms.neha Swami
For Respondent(s)	:	Mr.N.S. Dhakar, PP with Mr.Gaura Gupta, Asst. GA.

JUSTICE ANOOP KUMAR DHAND

Order

08/05/2026

1. By way of filing the instant criminal writ petition, a challenge has been led to the impugned order dated 09.05.2024 passed by the respondents by which the prosecution sanction has been issued against the petitioner to prosecute him under Section 7 of the Prevention of Corruption (Amendment) Act, 2018.
2. Learned counsel for the petitioner submits that at the time of the alleged incident, no work was pending rather the entire work of the complainant was complete and there was no demand of bribe at the instance of the petitioner, but all these facts were not looked into by the Sanctioning Authority and without any

application of mind, the order of prosecution sanction has been passed in a casual manner, hence, under these circumstances, interference of this Court is warranted.

3. Learned Public Prosecutor opposes the prayer and submits that on the basis of the material available on record and the case diary, the impugned order of prosecution sanction to prosecute the petitioner was passed by the Authorities concerned. Counsel further submits that the validity of the sanction can be assailed by the petitioner, even before the Trial Court in light of the judgment passed by the Hon'ble Apex Court in the case of **The Karnataka Lokayuktha Police Vs. Lakshman Rao Peshve** while deciding (SLP (Crl.) No.11870/2023) on 16.09.2023. Counsel submits that hence, under these circumstances, interference of this Court is not warranted.

4. Heard and considered the submissions made at the Bar and perused the material available on record.

5. Perusal of the impugned order of sanction indicates that the order has been passed on the basis of the material supplied to the Sanctioning Authority and on perusing the same, the impugned sanction order was passed for prosecution of the petitioner. Whether any work of the complainant was pending on the alleged date of offence or not? Whether there was any kind of demand made by the petitioner from the complainant or not? All these are the disputed facts and this Court cannot conduct a fishing and roving enquiry to find out the truth behind the allegations. Certainly, these facts would be appreciated by the Trial Court at the appropriate stage.

6. Under these circumstances, the instant petition stands disposed of, granting liberty to the petitioner to take all the arguments, which have been taken before this Court and all available defence at the stage of the trial. It is expected from the Trial Court to deal with all the issues in light of the judgment passed by the Hon'ble Apex Court in the case of **The Karnataka Lokayuktha Police** (supra).

7. Accordingly, the instant petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J