

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Writ Petition No. 2415/2023

Suresh Kumar S/o Sh. Radheshyam Suman

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s) : Mr. Shreya Hatila

For Respondent(s) : Mr. Babulal Nasuna, PP

HON'BLE MR. JUSTICE SAMEER JAIN

Order

06/12/2023

By way of present petition, petitioner has prayed for quashing of impugned order dated 29.03.2022 passed by respondent no. 3 whereby prosecution sanction was accorded against the petitioner in relation to FIR No. 269/2021 dated 22.04.2021 registered at PS Pradhan Aarakshi Kendra, Anti Corruption Bureau, Jaipur (Raj.), District ACB Kota Range, Kota (Raj.) for offence under Section 7 of Prevention of Corruption (Amendment) Act, 2018.

Learned counsel for the petitioner submits that the letter dated 13.09.2021, marked as annexure 2, only contained the ACB report along with format of prosecution sanction. It is contended that the impugned sanction order was passed in a mechanical manner without application of mind, as the relevant documents were never placed before respondent no.3. It is contended that a bare perusal of the draft sent by ACB, Kota and impugned prosecution sanction would reveal that the respondent no.3 only narrated the facts of the case in the prosecution sanction and

thereafter, rephrased the last two paras which discloses that the respondent no.3 had discussed the case with the IO. It is submitted that the impugned sanction order is not valid and legal in light of celebrated Apex Court judgment of **State of Karnataka vs. Ameer Jan: (2007) 11 SCC 273.**

Heard.

Issue notices to the respondents.

Learned Public Prosecutor accepts notice on behalf of respondent-State.

List on 09/01/2024 for final disposal.

Reply, if any, be filed before the said date.

In the meanwhile, the Trial Court may proceed with the trial, but the Trial Court is directed not to pass any final order till conclusion of present petition.

(SAMEER JAIN),J