

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>05.06.2024</u>		<p>C482 No. 792 of 2024  <b><u>Hon'ble Rakesh Thapliyal, J.</u></b></p> <p>1. Mr. Ramji Shrivastava, learned counsel along with Mr. N.K. Adhikari, learned counsel for the applicants and Mr. Saurabh Pandey, learned Brief Holder for the State.</p> <p>2. By the present C482 Application, the applicants are praying for quashing of the proceedings of Special Sessions Trial No. 28 of 2023, State Vs. Khushal Singh Rana and others pending in the Court of Special Judge Vigilance/VII Additional District Judge, Dehradun on the ground that by the First Information Report, the present applicants have been implicated for the offences punishable under Sections 13(1)(c) read with Section 13(2) of Prevention of Corruption Act, 1988 read with Sections 420, 466, 468, 471 and 120B of IPC in respect of a sale deed which was executed on 14.10.1980, 28.05.1981 and 22.06.1981.</p> <p>3. After investigation, the charge sheet has been filed; however, in the charge sheet,</p>

		<p>the applicant has been chargesheeted for the offences punishable under Sections 5(2) read with Section 5C of the Prevention of Corruption Act, 1947 read with Sections 420, 466, 468, 471 and 120B of IPC and for rest of accused, the chargesheet has been filed for the offences punishable under Sections 13(1) read with Section 13(2) of Prevention of Corruption Act, 1988 and Sections 420, 466, 468, 471 and 120B of IPC.</p>
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4. It is submitted by the learned counsel for the applicants that the FIR was in respect of a sale deed which was executed in early 1980-1981, whereas on that day, Prevention of Corruption At, 1988 was not in existence. He further submits that after the investigation, the charge sheet was filed for the offences punishable under the provisions of Prevention of Corruption Act, 1947.

5. So far as the Prevention of Corruption Act, 1947 is concerned, the learned counsel for the applicants submits that in view of Section 6A of the Prevention of Corruption Act, 1947, even the applicants cannot be

chargesheeted in respect of a sale deed which was executed in the year 1980-1981. He refers Section 5(1)/5C and Section 6A of the Prevention of Corruption Act, 1947 and submits that even otherwise, Section 5 only relates to the public servant and present applicants are not the public servant, therefore, this Act will not apply.

6. Mr. Saurabh Pandey, learned Brief Holder for the State seeks three days' time to get instructions in the matter to apprise this Court if the FIR was lodged for the offenses punishable under the provisions of Prevention of Corruption Act, 1988 then how the charge sheet has been filed under the provisions of Prevention of Corruption Act, 1947.

7. Put up this matter on 11.06.2024 as fresh.

**(Rakesh Thapliyal, J.)**

05.06.2024

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