

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Crl. Revision No.1093 of 2016 (O&M)
Date of decision: April 11, 2016

Ajit Singh Longia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. N.S. Khandola, Advocate for the petitioner.

Rajan Gupta, J.

The petitioner has impugned order dated 17.2.2016, passed Special Judge, S.A.S. Nagar, Mohali, whereby application under section 227 Cr.P.C. for discharging the petitioner has been dismissed and charges have been framed against him under section 13 (1) (e) read with section 13 (2) of the Prevention of Corruption Act.

Learned counsel for the petitioner has contended that petitioner has not committed any crime and was implicated in a false case. He submits that the competent authority never granted the sanction to prosecute the petitioner. Even inquiry was conducted by DSP (Vigilance) and he gave finding that no case is made out against the petitioner. Thus, the order is liable to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

While hearing the accused on the application under section

227 Cr.P.C., the court below observed that though prosecution had applied for sanction to prosecute the accused, yet no order was passed by the sanctioning authority despite reminders. This does not mean that sanction had been declined by the authority. Petitioner retired from service on 30.5.2015 and challan was presented on 10.11.2015. Thus, the court could take cognizance into the matter as petitioner had seized to be a public servant. It is apparent that at the time of framing charge, the court is not to minutely scrutinize the entire evidence to find out as to if conviction can be recorded or not. Finding a prima facie case to put the accused on trial, the court below framed charges against the petitioner.

Learned counsel has not been able to show any legal infirmity with the order passed by the court below. The plea raised by the petitioner in the present petition is essentially factual in nature which can be examined by the trial court after evidence is led before it. I, thus, do not find it a fit case for interference in revisional jurisdiction. The petition is hereby dismissed.

(RAJAN GUPTA)
JUDGE

April 11, 2016
'Rajpal'