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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1439/2016**

BABLI PANDEY

..... Petitioner

Through: Counsel for the petitioner.
(Appearance not given)

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Ms.Kamna Vohra, A.S.C. for the
State.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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09.05.2016

Crl.M.A. No.7498/2016

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

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1. The petitioner has invoked the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 CrPC with the following prayers:-

(a) to issue directions to quash the order of rejection of prosecution sanction against the respondents No.2 to 8 passed by respondent No.1 as well as the intimation letter dated 20.10.2015.

(b) to issue directions to the Respondent Board to grant prosecution sanction against respondents No.2 to 8.

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2. Heard learned counsel for the petitioner.
3. It is settled law that scope of judicial review under Article 226 of the Constitution of India is not akin to that of an appellate Court as the Court does not have the expertise to correct the administrative decisions. The power of judicial review is to be exercised for examining the question of legality of a decision. (*Rel. Mansukhlal Vithaldas Chauhan vs. State of Gujarat (1997) 7 SCC 622*).
4. During the course of hearing, learned counsel for the petitioner has submitted that the petitioner has not been given any opportunity of being heard.
5. Granting of sanction for the prosecution of accused is an administrative function. It is not even a quasi judicial function. What is material at that time is that the necessary facts collected during the investigation constituting the offence have to be placed before the sanctioning authority and it has to consider the material.
6. Prima facie, the sanctioning authority is required to reach the satisfaction that the relevant facts would constitute the offence for which the sanction has been sought.
7. The impugned order does not suffer from any illegality or infirmity requiring any interference by this Court in exercise of extra ordinary power vested in this Court under Article 226 of the Constitution of India.
8. The writ petition is dismissed.

PRATIBHA RANI, J.

MAY 09, 2016

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