

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 430 of 2017

P. K. Sharma, S/o. Rajaram Sharma, Aged About 60 Years, Working as
D.G.M. District Antavyavasayee Samiti, Raipur, Distt. Raipur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through the Tribal Welfare Department,
Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. The Managing Director, Chhattisgarh Rajya Antvyasayee Sahkari Vitt
Evam Vikas Nigam Maryadit Raipur, Chhattisgarh
3. The Superintendent Of Police, Anti Corruption Bueau, Raipur Chhattisgarh

---- **Respondents**

For Petitioner : Mr. T.K.Tiwari, Advocate

For Respondents : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.10.2017

Heard

1. Learned counsel for the petitioner submits that 6 (six) sanction orders to prosecute, four were granted by one appointing authority and two by other. Therefore, it would reflect that there is no application of mind and it is not clear in which sanction order, the prosecution is going to rely. He therefore submits that in view of the principles laid down in case of ***Central Bureau of Investigation v. Ashok Kumar Aggarwal***¹ the sanction must *exfacie* discloses the sanctioning authority considering the evidence and the other material placed before it before order of sanction is granted.
2. In this case, the sanction orders, which have been filed alongwith this petition discloses that the authority has recorded that after

¹ (2014) 14 SCC 295

perusal of the case and entire documents, the sanction were granted. It is for the prosecution to rely upon the sanction, if there are more exist in a given case. At this stage, unless and until the evidence is adduced, it cannot be assumed that the conclusion to grant sanction was without application of mind that can be made clear only after the evidence is adduced.

3. As as has been held in case of **State of Bihar & Others v. Rajmangal Ram**², para 10 of the same is reproduced as under:

“10. The High Court in both the cases had also come to the conclusion that the sanction orders in question were passed mechanically and without consideration of the relevant facts and records. This was treated as an additional ground for interference with the criminal proceedings registered against the respondents. Having perused the relevant part of the orders under challenge we do not think that the High Court was justified in coming to the said findings at the stage when the same were recorded. A more appropriate stage for reaching the said conclusion would have been only after evidence in the cases had been led on the issue in question.”

4. Admittedly in this case, the evidence has not been adduced as had been led on the issue in question, therefore, I do not find any reason to admit this petition.
5. Accordingly, the petition has no merit and is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok