

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 125 of 2017**

Khem Das Sahu S/o Late Daya Ram Aged About 61 Years P.H.
 No. 16, Baigapara, Durg, Permanent R/o Urla, Police Station-
 Pulgaon, District- Durg, Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through: The Anti Corruption Bureau,
 Raipur, Chhattisgarh ---- **Respondent**

For Applicant	:	Shri T.K. Tiwari, Advocate
For State	:	Shri D.R. Minj, Dy. G.A., on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/02/2017**

Heard on admission.

1. This revision has been filed by the applicant aggrieved by the order of the trial Court, by which, the applicant's prayer for summoning inward-outward register of the law department has been rejected.
2. Learned counsel for the applicant submits that in order to establish that while granting sanction, proper application of mind was not made by the Sanctioning Authority it is necessary to seek production of inward-outward register and to put the officer to cross-examination with regard to application of mind.
3. The burden of proving that there was due and proper application of mind is always on the prosecution and not on the defence. It is not the case where the production of document is necessary to prove a fact in respect of which the burden lies on the accused. Obviously, the applicant having moved an application and the same having been rejected, the effect of the same will have to be considered by the trial Court, at the end of the trial, as to what would be the consequence of non-production of the concerned record in possession of the prosecution while deciding the issue of validity of sanction. I am satisfied that by

disallowing the applicant's prayer, no prejudice is caused to the applicant in the matter of defence.

4. The revision is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Rekha