

**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P.No.369 of 2017**

Mohan Chand Kaushik S/o Late Shri Kanhaiya Lal, aged about 27 years, R/o Village-Tarada, Police Station-Urga, Tahsil-Kartala, Civil & Revenue District Korba (CG)

**---Petitioner**

**Versus**

- 1.** S.L. Maravi, Inquiry Officer, Senior Accountant and Taxation Officer, Janpad Panchayat Pali, Tahsil-Pali, Civil & Revenue District Korba (CG)
- 2.** The Collector, Korba, Civil & Revenue District Korba (CG)
- 3.** State of Chhattisgarh, Through the Station House Officer, Police Station-Pali, Civil & Revenue District-Korba (CG)

**---Respondents**

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| For Petitioner     | : | Mr.P.M.Shriwas, Advocate      |
| For Res.No.2 and 3 | : | Mr.Gary Mukhopadhyay, Dy.G.A. |

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board**

**06/04/2017**

- 1.** The application filed by the petitioner under Section 156(3) of the CrPC against S.L. Maravi, Senior Accountant and Taxation Officer, Janpad Panchayat, Pali has been rejected by the trial Court on the ground of no valid sanction under Section 197 of the CrPC.
- 2.** Learned counsel for the petitioner would submit that the trial Court is absolutely unjustified in rejecting the application on the ground of no valid sanction under Section 197 of the CrPC as that has not been granted by the State in the instant

case.

3. On the other hand, learned Deputy Government Advocate appearing for respondents No.2 and 3 would oppose the petition.
4. I have heard learned counsel appearing for the parties and perused the order impugned.
5. In the matter of **Anil Kumar and others Vs. M.K. Aiyappa and another**<sup>1</sup> the Supreme Court has clearly held that investigation under Section 156(3) of the CrPC cannot be ordered against public servant without sanction under Section 19 (1) & (3) of the Prevention of Corruption, 1988.
6. Applying the principle of law laid down by the Supreme Court in the above-stated judgment to the facts of the present case, it is quite vivid that the trial Court has rightly rejected the application under Section 156(3) of the CrPC for want of sanction for prosecution under Section 197 of the CrPC.
7. Accordingly, the petition being without substance is liable to be and is hereby dismissed.

Sd/-

**(Sanjay K. Agrawal)**  
**JUDGE**

B/-

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<sup>1</sup> (2013) 10 SCC 705