

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(228)

CWP-7721-2016

Decided on: May 17, 2017.

Gaurav Sharma

.... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. R.K. Girdhar, Advocate, for the petitioner.

Ms. Anu Pal, AAG, Punjab.

Mr. J.K. Singla, Advocate, for respondent No.5.

M.M.S. BEDI, J (ORAL)

Through instant writ petition, the petitioner seeks a writ in the nature of mandamus directing respondents No. 2 to 4 to grant sanction under Section 19 of the Prevention of Corruption Act and Section 197 Cr.P.C for prosecution of accused-respondent No.5 for punishment under Section 13 (1) (d) of the Prevention of Corruption Act and other offences under the Indian Penal Code.

The grievance of the petitioner is that his request made for grant of sanction has been disposed of by cryptic orders Annexure P-8 dated 02.12.2014 and Annexure P-9 dated 13.01.2015.

Learned counsel for the petitioner has argued that order Annexure P-8 which has been communicated to the petitioner, is a cryptic order, no reasons having been given for refusal of sanction to prosecute respondent No.5 who is working as a revenue officer in Rampura Phul District Bathinda.

The detailed order passed by the appointing authority of respondent No.5 has been produced as Annexure R-1/T dated 06.04.2014

wherein the application of the petitioner for approval under Section 19 of the Prevention of Corruption Act to launch prosecution against respondent No.5 Naib Tehsildar, has been placed on record. The said order runs into 10 pages, taking into consideration the allegations of the petitioner regarding registration of sale deed dated 23.07.2012 by virtue of which the property of grandfather of the petitioner had been transferred in favour of the petitioner and one other. Each aspect of the complaint has been considered by the Commissioner by passing detailed speaking order. Even otherwise, the only requirement under Section 19 of the said Act is to peruse the report on the basis of investigation conducted under Chapter XII Cr.P.C. and to pass appropriate order granting sanction. Since in this case no criminal case has been registered and the petitioner had opted to file a private complaint, the learned Commissioner has gone into each and every allegation of the petitioner complainant and passed a well reasoned speaking order, details of which are not required to be reproduced in the order.

This Court, in the exercise of writ jurisdiction, cannot act as an appellate Court to determine the validity of an order passed by the Commissioner recording objectively its satisfaction that no case is made out for grant of sanction for prosecution.

In view of said circumstances, this petition is dismissed.

(M.M.S. BEDI)
JUDGE

May 17, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No