

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

**CRR No.205 of 2012 (O&M)
Date of Decision: August 30, 2018**

Jagjit Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kuldip Sanwal, Advocate
for the petitioner.

Mr.Pawan Sharda, Sr. DAG, Punjab
for the respondent-State.

Mr.Sukhpal Singh, Advocate for
Mr.Pawan Girdhar, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Jagjit Singh against respondents State of Punjab and Ajay Kumar, challenging the impugned order dated 24.09.2011 passed by learned Judge, Special court, Sri Muktsar Sahib, vide which respondent No.2 was discharged.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that challan was presented against

respondent No.2-Ajay Kumar posted at B.L.E.O Industry, Malout, under Section 7 and 13(2) of the Prevention of Corruption Act [for brevity 'the Act']. Learned trial Court vide impugned order dated 24.09.2011, discharged the accused only on the ground that Court cannot take cognizance under the Act without the sanction of the competent authority. At the time of arguments, it is admitted that challan was presented under the provision of Prevention of Corruption Act. Ajay Kumar was the public servant and competent authority declined the sanction under Section 19 of the Act. As the sanction has been declined by the competent authority, therefore, the Court cannot take cognizance without sanction under Section 19 of the Act.

In view of the above discussion, I find that the impugned order dated 24.09.2011 passed by learned Judge, Special Court, Sri Muktsar Sahib, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present revision petition, the same is dismissed.

As the main case is decided, therefore, criminal misc. application, if any, also stands disposed of.

August 30, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No