



W.P(MD)No.23203 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

W.P(MD)No.23203 of 2017 and
WMP(MD).Nos.19496 and 19497 of 2017

S.Asokaraj

... Petitioner

Vs.

The Commissioner,
Office of the Commissioner of Central Excise,
No.4, Lal Bhagadur Sastri Road,
Madurai – 625 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records on the file of the respondent in connection with the impugned sanction order issued by him in his proceedings in C.No.II/10-A/03/2016-vig, dated 21.10.16(served on 10.04.2017) and quash the same.

For Petitioner : Mr.M. Mohana Sundaram

For Respondents : Mr. N. Dilipkumar



W.P(MD)No.23203 of 2017

ORDER

WEB COPY

The petitioner, who is the accused in FIR No.RC.MA1 2016 A 0012 / CBI / ACB/ Chennai on the file of the Central Bureau of Investigation filed this petition challenging the impugned sanction order granted under Section 19 of the Prevention of Corruption Act, 1988 against him to prosecute for the alleged offence under Section 7, 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, 1988 and 201 r/w. 109 IPC.

2. Perusal of the records, it is seen that earlier the petitioner appeared through one counsel and thereafter, he filed a change of vakalath. Today, the said counsel stated that he has also handed over the bundle to the petitioner along with change of vakalath. Further, it is also seen that the petitioner has not even impleaded the Investigating agency viz., Central Bureau of Investigation as a party respondent in this Writ Petition.

3. This Court perused the impugned order and considered the conduct of the petitioner changing the counsel periodically in order to



W.P(MD)No.23203 of 2017

prolong the investigation process.

WEB COPY

4. Upon the perusal of the impugned sanction order, this Court does not find any ground to quash the impugned sanction order. If any infirmity in the sanction order to be tested during the trial after the cross examination of the sanctioning authority. It is relevant to note that the Principal laid down by the Hon'ble Supreme Court in 2020 (17) SCC 664. Wherein the Hon'ble Supreme Court stated that absence of the sanction order is one thing and improper sanction is another thing and the improper sanction is matter for the trial.

5. Hence, this Writ Petition is liable to be dismissed with liberty to raise the contention in this writ petition relating to the sanction before the trial Court and the trial Court is hereby directed to consider the same in accordance with law.

6. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

04.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/ No



W.P(MD)No.23203 of 2017

trp

To

1. The Commissioner,
Office of the Commissioner of Central Excise,
No.4, Lal Bhagadur Sastri Road,
Madurai – 625 002.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.23203 of 2017

K.K. RAMAKRISHNAN. J.,

trp

**Order made in
W.P(MD)No.23203 of 2017 and
WMP(MD).Nos.19496 and 19497 of 2017**

Dated : 04.07.2023