IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1305 of 2021

Arising Out of PS. Case No.-15 Year-2017 Thana- C.B.I CASE District- Patna

==

BABAN PRASAD SINHA @ BABAN PRASAD @ B P SINHA Son of Krishna Nand Prasad Sinha Resident of Village - 7C/98, West Anandpuri, Boring Canal Road, Patna.800001, at Present Flat no.204, Baroda Nivas, A-1/30, Janakpuri , near Metro Pillar No.265, New Delhi-10058

... ... Petitioner

Versus

1. The Central Bureau of Investigation through the Director C.B.I. CGO Complex, New Delhi. Govt. of India.
2. The Director, Central Bureau Of Investigation, Cgo Complex, New Delhi Govt. Of India.
3. The Special Director, Central Bureau Of Investigation, Cgo Complex, New Delhi Govt. Of India.
4. The D.I.G. Of Police, Central Bureau Of Investigation, Anti Corruption-Ii, 5 B, 8th Floor, A Wing, Cgo Complex, New Delhi, Govt. Of India
5. Suprintendent Of Police, C.B.I., Acu-V/Ac-Ii New Delhi Govt. Of India.
6. The Bank Of Baroda Through The Managing Director And Chief Executive Officer Baroda Corporate Centre, Mumbai
7. The Managing Director And Chief Executive Officer, Bank Of Baroda Baroda Corporate Centre, Mumbai
8. The General Manager Cum Zonal Manager Cum Competent Authority, Bank Of Baroda Patna Zone, Patna
9. The Bhagalpur Central Co Operative Bank Ltd. Through Its Branch Manager Red Cross Road, Aadampur, Bhagalpur

... ... Respondents

==

Appearance :

For the Petitioner/s	:	Mr. Prabhu Narayan Sharma, Advocate
		Mr. Krishna Chandra, Advocate
For the CBI	:	Ms. Nivedita Nirvikar, Senior Advocate
		Mr. Pravin Kumar, Advocate

==

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT
Date : 24-09-2024

This criminal writ petition has been filed for the following reliefs:-

"(i) For issuance of appropriate writ for

quashing of the entire proceeding pending in the Court of learned Special Judge, CBI-II, Patna, in connection with Special Case no.13 of 2020, arising out of CBI case No. RC 217 2017 A0015/ACU-V/AC-II, New Delhi only to the extent of the petitioner.

(ii) For issuance of an appropriate writ in the nature of certiorari to quash the sanction for prosecution against the petitioner in CBI Case No.RC 217 2017 A0015/ACU-V/AC-II/New Delhi, granted by Nityanand Behera, the General Manager and competent authority on 04.08.2020, issued under the signature of Nityanand Behera, the General Manager, Bank of Baroda Patna Zone Patna, which has been accorded without application of mind in mechanical manner on non est ground.

(iii) Also for commanding the respondents to give compensation for suffering of mental agony and harassment at the hand of both CBI and Respondent Bank due to the present invalid/frivolous/prejudicial prosection, prosecuted against the petitioner without any basis or material collected against the petitioner to support the allegation."

2. The present F.I.R. has been instituted on the basis of a letter written by one Mithilesh Kumar Jaiswal, the Branch In-charge of the Bhagalpur Central Cooperative Bank Limited (for short "BCCBL") addressed to the S.H.O. of Adampur Police Station. In the said letter, it has been alleged that the BCCBL headquarters has a current account bearing no.10010100013202 and a connected sweep account in Bank of Baroda, Bhagalpur Branch. The BCCBL headquarters also has a current account bearing no.6084978909 and a connected sweep account linked to it in the Bhagalpur branch of Indian Bank. Both the aforesaid accounts are running in the above mentioned two Banks since 2012. Under the auto sweep facility whenever more than a certain amount is deposited in the current accounts, it is transferred to the sweep accounts by the Banks, for which, 10% interest was being paid to the BCCBL.

2.1. It has also been alleged in the aforesaid letter that the officials and employees of both the above-mentioned banks used to visit BCCBL from time to time and obtain Account Payee Cheques along with letters for transferring the amount to the sweep accounts. The BCCBL retained the receipt of the aforesaid letters issued to the Banks. It has further been alleged that the officials and employees of Bank of Baroda, Bhagalpur / Indian Bank Bhagalpur used to visit BCCBL from time to time and take the cheque for transferring the amount to the sweep accounts and whenever required, the employees thereof used to deliver the statement of the Bank Accounts to the BCCBL.

2.2. In the said letter, it has been alleged that at the time of account closure for the year 2016-2017, the statement of current accounts and connected sweep accounts were demanded from both the Banks. Thereafter, it has been reported that the sweep account of BCCBL maintained in the Bank of Baroda, Bhagalpur had closing balance of Rs.18,00,15,479.83/- as on 27.03.2017 and the sweep account of the BCCBL maintained in the Indian Bank, Bhagalpur had closing balance of Rs. 30,56,97,998.76/- as on 21.03.2017. As per the records of the BCCBL, till date the Indian Bank, Bhagalpur has a balance of Rs.30,52,70,854/- in sweep account and Bank of Baroda Bhagalpur has a balance of Rs.18,0055,479.33/-.

2.3. It has been alleged that pursuant to the above-mentioned bank statements, the BCCBL issued a cheque bearing no.468721 dated 03.06.2017 for an amount of Rs. 5,00,00,000/- and forwarded the same vide letter no.582 dated 03.08.2017 to the Indian Bank for transferring the said amount to the Bihar State Co-operative Bank Ltd. in the account no.

06510200001581 maintained in the IDBI Bank. However, the Manager of Indian Bank verbally informed that there is insufficient fund in the account of the BCCBL to honour the said cheque and thereafter, the statements of bank accounts were presented before the Manager, who in turn, said that the same is forged and fabricated. Thereafter, multiple correspondences were made to both the banks by the BCCBL officials and ultimately after some efforts, the officials of the BCCBL came to know through statements that the account bearing no.6084978909 and connected sweep account has balance of only Rs.31,22,733/- and the current account no.10010100013202 maintained in the Bank of Baroda branch Bhagalpur has only balance of Rs.50,033/- and its connected sweep account has an amount of Rs.5,70,033/-. Accordingly, the Indian Bank of Bhagalpur branch and the Bank of Baroda of Bhagalpur Branch have embezzled an amount of Rs.30,17,52,612/- and Rs.17,94,85,446/- respectively.

2.4. It has also been alleged in the said letter that thereafter the BCCBL examined the record and upon examination of the records as well as the cheques issued to the respective banks, it has come to the knowledge of the officials of the BCCBL that huge amount have been fraudulently embezzled by the officials of both the banks.

2.5. On the basis of the aforesaid letter, the jurisdictional police initially registered a case vide Bhagalpur Kotwali (Adampur) P.S. Case no.508 of 2017 on 11.08.2017 for the offenses punishable under Section 409, 420, 467, 468, 471, 120(B), 34 of the Indian Penal Code. Later on, the case was transferred to the C.B.I. pursuant to the notification dated 18.08.2017 and 21.08.2017 issued by the Government of Bihar and Government of India respectively. The subject case is pending before the learned Special Judge C.B.I -II, Patna and numbered as Special Case No.13 of 2020. The investigating agency i.e. the C.B.I. filed charge-sheet bearing no.09 dated 11.11.2017 on 13.11.2017 and thereafter the C.B.I submitted supplementary charge-sheet dated 16.06.2020, in which the petitioner has been arrayed as accused no.15 and sent up for trial. Thereafter, the learned Special Judge took cognizance against the petitioner vide order dated 11.12.2020.

3. Learned counsel for the petitioner submits that the petitioner has committed no offence and has been falsely implicated in the present case and therefore the impugned proceeding is nothing but an abuse of the process of law. He further submits that the petitioner has been made accused without any reliable and legal material collected during the course of investigation, in fact, the petitioner became the victim of false implication and sanction accorded without application of mind in perfunctory manner, which is apparent on the face of the records itself. He relies on Annexure- 4, which is a letter dated 113.01.2021 written by the sanctioning authority to the Deputy Inspector General of Police, C.B.I. and Annexure-5, which is a letter dated 23.08.2021 written by the Zonal Head of the Bank to the petitioner, and submits that in view of the aforesaid two letters no offence is made out against the petitioner. The petitioner also submits that the petitioner is a law abiding person, which is evident from the fact that during his tenure of service no complaint has been made against him.

4. Learned counsel for the petitioner further submits that the period of posting of the petitioner in the alleged Branch i.e. Bank of Baroda, Bhagalpur, was from 18.11.2005 to 01.07.2008. Thereafter, he was transferred to Mumbai Corporate Office where he remained posted from 02.07.2008 to 30.07.2017 in different departments and whereupon he was transferred to Mumbai North region, where he worked from 31.07.2017 to 27.05.2018 and at present the petitioner is posted at Delhi as Chief Manager (Scale-IV), Bank of Baroda, CPPC.

5. It has also been submitted that the petitioner is not named in F.I.R and the period of alleged embezzlement was from 2012 onward, admittedly after the lapse of more than 4 years of transfer of the petitioner. Further, the account from which alleged fraudulent transactions and embezzlement were done was itself opened on 26.11.2012, which is admittedly after the transfer of the petitioner. The alleged embezzlement of the amount to the tune of Rs. 17,94,85,446.83/- was done during the period from 2012 to 2017 from the account no.10010100013202 standing in the name of the BCCBL maintained in the Bank of Baroda, Bhagalpur Branch. The F.I.R. discloses in categorical terms that 9 cheques for total amount of Rs.30,95,28,000/- which were alleged to be not entered in the Account of BCCBL i.e. in the Account No. 10010100013202, were issued during the period from 13.10.2013 to 30.03.2017 and thus, it is crystal clear that all the transactions were done, after the lapse of more than 4 to 9 years of the transfer of the petitioner to Mumbai.

6. It has been argued on behalf of the petitioner that from the perusal of paragraph no. 16.49 and 16.50 of the supplementary charge-sheet that the petitioner was arrayed as accused no. 15 and sent up for trial on account of single instance that he verified the transaction as "checker" on 27.06.2008 of a cheque bearing no.076398 dated 26.06.2008, which is admittedly not correct. Furthermore, it also transpires from perusal of paragraph no. 16.51 of the supplementary charge-sheet that after about 83 days i.e. on 19.09.2008, the SMVSSL issued a cheque no. 648890 for an amount of Rs.50,65,750/- in order to return the said amount to the BCCBL i.e. with additional amount of Rs.65,750/-.

7. It has been argued that the charge-sheet was submitted against the petitioner awaiting the sanction for prosecution under the relevant provisions of the P.C. Act. The sanction for prosecution was accorded by the competent authority vide order dated 04.08.2020, which was communicated to the office of Deputy Inspector General of Police, Central Bureau of Investigation, Anti-Corruption-II.

8. The submission of the petitioner is that the sanction was accorded only on the ground that the cheque was verified by the petitioner, which is incorrect. Only two categories of persons have been arrayed as accused in connection with present case i.e. first, who processed the cheque at the Bank and entered the transaction as “maker” and the second, one who verified the transaction as “checker”. After the sanction was accorded, the petitioner made representations to the higher authorities to verify the fact whether he had verified the cheque in question or not. Whereupon, it was ascertained that the petitioner, namely, Sri Baban Prasad Sinha having service I.D. No. BS 052868 had not verified the transaction as “checker”of credit of the cheque in question and this fact was duly communicated to the Deputy Inspector General of Police, Central Bureau of Investigation, Anti Corruption-II, by Sri Nityanand Behera, General Manager i.e. the same official who had accorded the sanction for prosecution and thereafter vide letter dated 29.07.2021, the Zonal Head, Patna Zone had communicated to the Deputy Inspector General of Police, C.B.I. in categorical terms stating therein that Mr. Baban Prasad Sinha (petitioner) was not the verifier of the transaction, which was also duly communicated to the petitioner vide letter dated 23.08.2021.

9. Learned counsel for the petitioner has drawn the attention of this Court to the letter dated 12.02.2021 issued by Sri Nityanand Behera, General Manager wherein it was communicated to the petitioner that the empanelled advocate for Bank of Baroda is of the opinion that once the sanction was accorded, the same cannot be withdrawn and as such, the empanelled advocate had advised the petitioner to take steps himself for withdrawal of the prosecution against him. Further, the charge-sheet was filed awaiting sanction for prosecution against the petitioner and as such, the sanctioning authority has accorded sanction for prosecution against the petitioner under pressure, in a hurried and hasty manner, without verifying the fact as to whether the petitioner actually verified the alleged transaction as “checker” or not. Thereafter when the correct fact was brought to the notice of the sanctioning authority, by the higher officials, the sanctioning authority communicated this fact to the C.B.I. Therefore, it is crystal clear that the petitioner has been arrayed/made an accused on the basis of wrong information provided to the C.B.I. at the level of Zonal Office, Bank of Baroda Patna, which has been subsequently, corrected/rectified and thereafter communicated to the C.B.I. in due process.

10. The next submission is that in continuation of charge-sheet filed on 13.11.2017, the C.B.I submitted the supplementary charge-sheet dated 16.06.2020 on 25.06.2020, in which the name of the petitioner was arrayed as accused no.15, on the basis of the allegation mentioned in paragraph no.16.49, 16.50 & 16.51 of the aforesaid supplementary charge-sheet. Even if the accusations and materials collected during the investigation against the petitioner is taken at its face value to be correct, then also there is no substantial loss either to the BCCBL or gain to the SMVSSL, particularly in view of the fact that the amount of Rs.50 Lakhs has been returned to the BCCBL by SMVSSL through cheque no.64889 on 19.09.2008 i.e. after a period of 83 days with an additional amount of Rs.65,750/-. Prior to the date of return of the alleged amount, the petitioner was transferred and had joined at the transferred place on 02.07.2019 at Mumbai. As such, the petitioner was in no way concerned with the aforesaid transaction. Moreover, there is no complaint pertaining to the said transaction either by the BCCBL or any other person at any occasion.

11. The next submission of learned counsel for the petitioner is that the sanction for prosecution against the petitioner was accorded on 04.08.2020 by competent authority and was communicated to the Deputy Inspector General of Police, Central Bureau of Investigation. Further, it is apparent from para-3 of the sanction order that the only ground for according sanction for prosecution is that that the cheque in question was verified by Shri Baban Prasad Sinha, the then Manager, Scale-II but on the request of the petitioner, the AGM, CBS Support, Hyderabad provided the information regarding the name of the verifier of the alleged cheque in question with date and time of the transaction and on perusal of the same, it appears that the alleged cheque was not verified with the user ID of the petitioner rather the same was verified by another user ID which belongs to an another bank official. Prior to requesting the said information, the petitioner wrote a letter to Patna Zone of the Bank on 14.10.2020 through proper channel requesting the Zonal Head to provide the details of the system log which would indicate the name of the petitioner as checker/verifier with date and time of the alleged transaction but no such details were provided and therefore the petitioner requested the AGM, CBS support, Hyderabad to provide the said information regarding the user I.D of Maker and Checker of the said transaction, wherefrom the petitioner received the particular details as to the maker and checker of the alleged transaction i.e. transaction pertaining to the cheque in question for an amount of Rs. 50 lakhs on 17.10.2020.

12. The submission of the petitioner is that from the face of the record it appears that name of the petitioner was included as accused in the present case on account of wrong data/information provided to the C.B.I by the Bank particularly at the level of zonal office. Further, before giving the aforesiad information to the C.B.I, the bank officials never asked any explanation from the petitioner. Moreover, during the course of the investigation when the petitioner sought to look at the clearing credit voucher and the cheque in question, the signature of the petitioner was not there on the clearing credit voucher. However, the investigating agency i.e. C.B.I refused to grant any time to the petitioner and simply accepted the information provided by the Bank at the zonal level as correct and sacrosanct without providing any opportunity to the petitioner to explain himself.

13. Further submission of the petitioner is that he was not the "verifier" of the cheque in question rather he was the "regularizer" of the cheque in question. He emphasises that not even in a single case in the "Srijan Scam" the C.B.I has made any "regularizer" of the alleged transactions as accused. The sanctioning authority in order to confuse the prosecuting agency i.e. C.B.I. has brought the fact regarding regulization of the alleged cheque in quesiton.

14. It has been argued that the Hon'ble Supreme Court in catena of decisions has held that there is an obligation on the sanctioning authority to discharge its duty to give or withhold sanction only after having full knowledge of the material facts of the case and grant of sanction is not a mere formality. Therefore the provision in regard to the sanction must be observed with complete strictness keeping in mind the public interest and the protection available to the accused against whom the sanction is sought. However, in the present case, the sanctioning authority accorded sanction without applying his independent mind in utter prejudicial and mechanical manner.

15. Last submission of learned counsel for the petitioner is that the petitioner is very much cautious as to the law laid down by the Hon'ble Supreme Court that inherent / discretionary power under Section 482 Cr.P.C in quashing of F.I.R / criminal proceeding has to be exercised sparingly and with caution and only when such exercise is justified by the test of "to prevent abuse of process of any court or otherwise to secure the end of Justice".

16. Learned counsel for the petitioner has relied upon the decision of the Hon'ble Supreme Court rendered in the case of ***State of Haryana & Ors. Versus Bhajan Lal & Ors.*** reported in ***AIR 1992 SC 604*** and has submitted that the instant case of the petitioner would fall/come under the parameters laid down by the Hon'ble Apex Court in the aforesaid decision.

17. In this case, the C.B.I. has filed its counter affidavit. In the counter affidavit, it has been stated that the evidence collected during the course of investigation discloses the commission of offence and makes out a good case against the petitioner. The allegations made in the charge-sheet *prima facie* disclose the commission of offence by the petitioner under section 120-B read with section 409, 420, 467, 468 and 471 of the Indian Penal Code and sections 13(2) read with sections 13(1)(c) and 13(1)(d) of the PC Act, 1988, upon which the learned court below has taken cognizance vide order dated 11.12.2020 after considering the evidence on record. It has also been stated that upon completion of the investigation, a charge sheet dated 11.11.2017 was filed against seven accused persons and after completion of further investigation, a supplementary charge-sheet dated 16.06.2020 was filed by which the petitioner has been arrayed as accused no.15. The sanction for prosecution with respect to the present petitioner has been duly granted by the competent authority of the Bank and has been filed before the concerned trial court. With regard to the role of the petitioner, it is stated that the petitioner while working as Manager, Bank of Baroda, Bhagalpur during the period 18.11.2005 to 01.07.2008, actively participated in cheating and misappropriating the funds in criminal conspiracy with other officials/officers of BCCBL, Bank of Baroda, Bhagalpur and Srijan Mahila Vikas Sahyog Samiti (SMVSSL). There is no substantial question of law involved in the instant case and further that the instant criminal proceedings are neither in violation of the Article 14 and 21 of the Constitution nor are an abuse of the process of court or miscarriage of justice.

18. It has also been stated in the counter affidavit that there is no legal bar for institution or continuance of the criminal proceeding against the petitioner. The petitioner is not named in the F.I.R. however the role of the instant petitioner has emerged during the course of the investigation and sufficient oral and documentary evidence against the instant petitioner has been collected and accordingly supplementary charge-sheet was filed against the petitioner.

19. It has also been stated in the counter affidavit that the petitioner was holding the post of Manager (Scale-II) in Bank of Baroda, Bhagalpur Branch from 18.11.2005 to 01.07.2008. The BCCBL vide letter No.527 dated 26.06.2008 forwarded the SBI cheque bearing No.076398 dated 26.06.2008 for Rs.50 lakhs to Bank of Baroda, Bhagalpur for opening STDR. The Investigation revealed that the instruction / endorsement on the reverse of the said cheque for crediting the proceeds into the account of SMVSSL were apparently tampered/fractured and some words appear to have been inserted later on in a different writing. The investigation further revealed that the proceeds of the said cheque were fraudulently credited into the account of SMVSSL through a pay-in-slip dated 27.06.2008 and one Sant Kumar Sinha entered the transaction as maker and the same was verified by the petitioner, the then Manager, Scale-II. Thus, the instant petitioner has abused his official position to accrue pecuniary benefit to SMVSSL and corresponding loss to the Bhagalpur Central Cooperative Bank Ltd. It has been asserted by the CBI that mere returning of the amount by SMVSSL does not absolve the petitioner for the criminal breach of trust and criminal misappropriation. Lastly, it is stated that there is no illegality in filing the chargesheet since it is settled position of law that sanction for prosecution is a technical requirement to enable the learned trial court to take cognizance of the offence.

20. The CBI strongly denies the averments related to the disclosure of information from the data centre on the alleged correct verifier of the S.B.I cheque in question and the consequent correspondences from the Bank officials. The C.B.I submits that the petitioner has been abusing his official position to get the letters of clarification issued by the Bank, which is an afterthought as during investigation, the petitioner could not produce any evidence of this sort. On the basis of the material/evidence provided by the bank itself, the petitioner has been chargesheeted and the competent authority after perusal of the record, has accorded sanction for prosecution against the petitioner, which has already been filed in the trial court. Further, this Court at the time of deciding the bail of the petitioner has categorically held that the petitioner herein is abusing his powers and such acts ought not to be given countenance by this Court.

21. It has also been alleged in the counter affidavit that the mandate of BCCBL letter No.527 dated 26.06.2008 was for opening the STDR for which SBI cheque No.076398 dated 26.06.2008 for Rs.50 lakh was forwarded to Bank of Baroda, Bhagalpur, but the proceeds of the said cheque has fraudulently been credited into account of SMVSSL through a pay-in- slip dated 27.06.2008 and as per the record provided by the bank, the petitioner was the verifier of the said transaction and one Sant Kumar Sinha was the maker of the cheque in question. Returning of misappropriated amount is the *modus operandi* of accused person to keep this fraud hidden. Once Government funds have been diverted into the account of SMVSSL at the very instant the offence of misappropriating is completed, therefore the petitioner could not escape from criminal liability by taking the shelter of returning of fraudulent misappropriated Government funds. During the course of investigation, it is well established that the petitioner has played an active role in criminal conspiracy along with other co-accused persons.

22. The C.B.I. has relied upon the decisions of the Hon'ble Supreme Court in the case of ***Kehar Singh & others vs. State AIR 1988 SC 1983*** and in the case of ***Pratabhai Hamirbhai Solanke vs. State of Gujarat 2013 (1) SCC 613.***

23. I have considered the submissions of the parties and perused the materials on record.

24. The present case arises out of "**Srijan Scam"**, which squarely falls into the category of economic offence in which about Rs.1800 crores of public money has been embezzled. Offences of such nature has to be viewed seriously since it has the adverse ripple effect for the economy of the State. The allegation in the case at hand emanates from the fraudulent embezzlement/misappropriation of a huge amount of public funds in a sophisticated fashion in connivance with bank officials, public servants and office bearers/employees of Srijan Mahila Vikash Sahyog Samiti Limited (SMVSSL). The scale, magnitude and *modus operandi* of the offence as alleged tend to have an immense and broader societal impact, particularly on the economic well-being of the nation and thus warrant a vigilant approach from the Court. The ultimate victim is the collective of the society thereby creating a threat in the financial interest of the society as a whole.

25. The prayer of the petitioner is for quashing of the entire criminal proceedings pending in the Court of learned Special Judge, CBI-II, Patna in connection with Special Case No.13 of 2020. The central defence of the petitioner is that the sanction order suffers from illegality as the sanctioning authority failed to consider the correct fact regarding the verifier of the cheque in question. The petitioner essentially wants this Court to appreciate the fact that the order of grant of sanction by the competent authority was issued in ignorance of the correct factum of true verifier of the alleged cheque transaction. This averment is however vehemently disputed by the prosecuting agency i.e. the C.B.I.

26. In the supplementary charge-sheet, the CBI implicated the petitioner as an accused on the basis of materials collected during the investigation and on the basis of information furnished by the bank especially at the zonal level. The Special Judge has taken cognizance against the petitioner on the basis of the materials available on record. This Court could not venture or enter into appreciating the disputed facts since that would be beyond the scope of the jurisdiction. The veracity and the correctness of the fact that whether the verifier of the alleged cheque transaction in question was the petitioner or not and further the petitioner had any role to play needs to emerge in the criminal trial which the Special C.B.I Court is rightly seized at this moment. This Court cannot conduct a mini trial to ascertain the fact whether the user ID of the petitioner for verification of the cheque in question was actually used or not and whether the petitioner had any role to play in the same. Further, this Court at the stage of cognizance cannot examine the materials which are available against the petitioner or the materials on which the petitioner relies for his innocence to build his defence. The defence of the petitioner cannot be seen at the stage of cognizance or discharge. The petitioner can lead the evidences to establish his innocence in the trial. Moreover, from reading of the sanction order, it appears that the sanctioning authority has considered the materials available against the petitioner. Mere non discussion of all the facts in the impugned sanction order cannot lead to the quashing of the entire criminal proceeding. Further, the sanction has been duly accorded by the competent authority and there appears to be no procedural fault in the same. The correctness of the facts which have been considered in the impugned sanction order cannot be examined in this proceeding as it is not the case of the petitioner that the sanction order has been passed by the competent authority without going through the records of the case.

27. In view of the aforesaid discussions, I am of the view that the prayer of the petitioner for quashing his entire prosecution cannot be entertained at this stage.

28. Accordingly, this writ petition is dismissed with liberty to the petitioner to raise all his grounds at the stage of framing of charge. If any discharge application is filed by the petitioner, the Special Judge will consider the same in light of the law laid down by the Hon'ble Supreme Court in the case of ***Kanchan Kumar vs. State of Bihar*** reported as ***2022 (9) SCC 577*** and will pass a reasoned order.

(Sandeep Kumar, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	07.10.2024
Transmission Date	07.10.2024