HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Writ Petition No. 1905/2023

Nain Singh Sodha S/o Shri Kishan Singh Sodha, Aged About 59 Years, R/o 2/145, Vidhyadhar Nagar, Jaipur (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through The Joint Secretary To Government (K-3/complaint), Department Of Personnel, Government Of Rajasthan, Jaipur (Rajasthan).
2. The Transport Commissioner, Transport Department, Parivahan Bhawan, Sahkar Marg, Jaipur (Rajasthan).
3. The Deputy Superintendent Of Police, Anti Corruption Department Rajsamand.

----Respondents

For Petitioner(s)	:	Mr Ankur Mathur
For Respondent(s)	:	Mr. NK Gurjar, AAG, assisted by Mr. Yogendra Charan

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HON'BLE MR. JUSTICE FARJAND ALI

Order

27/01/2025

1. Heard learned counsel for the parties.

2. The instant criminal writ petition is disposed of with the liberty to the petitioner to raise all the legal and factual grounds on the point of charge before the trial Court.

3. The learned trial Court shall decide the issue of charge in light of the guiding principals formulated by Hon’ble the Supreme Court in the case of Union of India (UOI) vs. Prafulla Kumar Samal and Ors. reported in (1979) 3 SCC 4 and pass a reasoned speaking order whether sufficient and reasonable ground is there to presume that the petitioner committed the alleged offence and he should be forced to face the trial.

4. The question of legality of issuance of sanction shall remain open with the petitioner to agitate during the trial at appropriate Stage.

5. Stay petition also stands disposed of.

(FARJAND ALI),J

52-Samvedana/-