CGHC010015132020 2026:CGHC:45320

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 71 of 2020

Reserved on : 13.08.2026

Delivered on : 27.10.2026

Dr. Narayan Prasad Pandey S/o Late Shri R. K. Pandey, Aged About 55 Years Working As Assistant Veternary Surgeon At Jagdalpur, R/o 34, Vrindavan Colony, Behind Kali Badi School, Jagdalpur (C.G.).

... Applicant (s)

versus

State of Chhattisgarh, Through Investigating Officer, State Economic Offences and Anti - Corruption Bureau, Raipur, District – Raipur (C.G.)

...Respondent

For Applicant	: Mr. Kishore Bhaduri, Sr. Advocate along with Mr. Harsh Dave, Advocate.
For State	: Mr. Sanjeev Pandey, Dy. Advocate General.

Hon'ble Shri Narendra Kumar Vyas, J.

CAV Judgment

1. This matter was listed on 13.08.2026 for vacation of stay order passed by this Court on 02.03.2020 but with the consent of learned counsel for both the parties, the matter is heard finally.

2. This criminal revision has been preferred by the applicant under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, assailing the order dated 30.11.2019 passed by the learned Special Judge (Prevention of Corruption Act, 1988), Bastar at Jagdalpur (C.G.) in Special Case No. 01/2018, whereby charges have been framed against the applicant for offences punishable under

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Sections 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988 (for short “the Act, 1988”).

3. The prosecution case, in brief, is that the applicant was working as an Assistant Veterinary Surgeon at Jagdalpur. The Anti-Corruption Bureau (ACB) received information that during his service tenure, the applicant had acquired movable and immovable properties disproportionate to his known sources of income.

4. On verification of the information, the ACB found *prima facie* material indicating that the accused had acquired, inter alia, about 5 acres of agricultural land at Hanumana, District Rewa, a two-storied house bearing HIG-2/16 at Deendayal Upadhyay Nagar, Sector-3, Raipur, a two-storied house at Vrindavan Colony, Jagdalpur, stated to be in the name of his adopted son, various vehicles; agricultural land and a dairy farm admeasuring 0.46 hectare at village Karkapal, Jagdalpur, besides cash, gold and silver ornaments, valuable household articles and other investments. It has been further alleged that the said properties had been acquired by the accused by misusing his official position and through corrupt practices, and the same were disproportionate to his known sources of income, thereby constituting an offence punishable under Sections 13(1)(e) and 13(2) of the Prevention of Corruption Act, 1988 (for short “the Act, 1988”).

5. On the aforesaid information, the Superintendent of Police, ACB, Raipur, conducted preliminary enquiry on 02.05.2005 before registration of FIR for commission of offence under Sections 13(1)(e) and 13(2) of the Act, 1988 and thereafter, a search warrant dated 03.05.2005 was obtained from the Special Judge (Prevention of Corruption Act), Bastar at Jagdalpur, for conducting searches at the

accused's residential premises situated at Vrindavan Colony, Jagdalpur and Deendayal Upadhyay Nagar, Raipur. The search was conducted on 04.05.2005 at both residential premises in presence of the accused and his family members and independent witnesses. During the search of the accused's residence at Plot No. 2/7, Vrindavan Colony, Jagdalpur, cash amounting to Rs. 8,97,090/-, gold ornaments weighing approximately 688.6 grams valued at Rs. 4,86,355/-, and silver ornaments weighing approximately 1,125 grams valued at Rs. 10,828/- were found. An inventory of the articles and documents found during the search was prepared and the articles liable to be seized were seized in accordance with the seizure memo. The value of the movable and immovable properties found at the Jagdalpur residence as per the inventory and seizure proceedings, was assessed at approximately Rs. 56,44,401/-.

6. Similarly, a search was also conducted at the accused's house bearing HIG-2/16, Deendayal Upadhyay Nagar, Raipur and during the said search, cash amounting to Rs. 1,850/- was found and the articles and documents found therein were duly inventoried and seized. The value of the property found at the Raipur residence was assessed at approximately Rs. 1,40,500/-. Thus, the total value of the movable and immovable properties found during the searches at Jagdalpur and Raipur was assessed at approximately Rs. 57,84,901/-.

7. The value of the assets found was *prima facie* much higher than the income of the accused from his known sources, therefore, appeared to be disproportionate to his known sources of income. Thereafter, Crime No. 16/2005 was registered at Police Station, ACB, Raipur on 08.05.2005 against the applicant for commission of offence punishable

under Sections 13(1)(e) and 13(2) of the Act, 1988 and after usual investigation submitted the charge-sheet on 29.11.2018 before the learned Special Judge, Prevention of Corruption Act, Bastar at Jagdalpur and the learned trial Court framed the charges against the applicant on 30.11.2019 for commission of offence under Section 13(1)(a) read with Section 13(2) of the Act, 1988. Thus, the applicant has preferred this criminal revision against the framing of charges and prayed for discharging the applicant from the charged levelled against him as aforestated.

8. Learned Senior counsel for the applicant would submit that the learned trial Court was failed to consider the entire material in the charge-sheet which does not make any case against the applicant. He would further submit that the charges have been framed without there being any evidence inculpating the applicant in the alleged offence. He would further submit that the valuation of the properties has been erroneously determined by taking inflated figures into consideration, rather than their actual value at the time of acquisition. He would further submit that although the prosecution alleges that the properties were disproportionate to the applicant's known sources of income, the material collected during investigation does not establish a *prima facie* case warranting the framing of charges. He would further submit that the burden of prove to discharge the obligation that the property belongs to government servant is acquired from known source but the burden simultaneous lies on the prosecution to prove the fact *prima facie* against such justification and such proof cannot be considered as a proof on mere preponderance of probabilities. He would further submit that several properties belonged to the applicant's relatives and

had been acquired from their independent sources of income, but the investigating agency has erroneously included their assets and income in the applicant's accounts. He would further submit that the investigating agency failed to properly consider the documents furnished by the applicant, including his income-tax returns and documents obtained from statutory authorities.

9. He would further submit that there is delay of more than thirteen years in completion of the investigation by the Anti Corruption Bureau without any plausible reason though the raid was conducted on 04.05.2005 in applicant’s residences which is sufficient ground for quashing of FIR and the charges framed against the applicant. He would further submit that various High Courts as well the Supreme Court have quashed the criminal proceedings on the count of delay in investigation under the Act, 1988, thus he would pray for quashing of the entire criminal proceedings against the applicant on the count of delay in investigation. He would further submit that the properties were acquired by his relatives from their sources of income which has wrongly been added in the petitioner’s income, therefore, the offence under Section 13(1)(e) of the Act, 1988 is not made out. He would further submit that the investigating officer under the PC Act does not enjoy unbridled power to the extent of abuse of process of law and the present case is an out of exercise of such a power.

10. He would further submit that the learned trial Court has failed to appreciate that no *prima facie* case is made out against the applicant as the prosecution has not produced any clinching or unimpeachable material to substantiate the allegations and would submit that despite the applicant having furnished an explanation regarding his income

and assets, the investigating agency failed to give due consideration to the same and proceeded mechanically to submit the final report. He would further submit that the learned trial Court has failed to consider that the Investigating Officer had even not relied upon the documents procured by the applicant from the statutory bodies including the Income Tax Returns and have mechanically prepared the final report including the entire income and expenditure of the family members on to the domain of the applicant. He would further submit that the learned trial Court has erred in considering the investigation report filed by the ACB mechanically and has without application of mind went on to framing the charge against the applicant, as such framing of charge suffers from material irregularity and illegality and without any basis thus, the charges framed against the applicant deserves to be quashed. To substantiate his submission, he would refer to the judgments in case of **Central Bureau of Investigation Vs. R. Bhuvaneswari & another [(2024) 1 High Court Cases (Bom) 32], State of Himachal Pradesh Vs. Nishant Sareen [(2010) 14 SCC 527], State of Punjab & another Vs. Mohammed Iqbal Bhatti [(2009) 17 SCC 92], Sayyed Zarina Ali Vs. The State of Madhya Pradesh through Secretary [Writ Petition No. 24499/2019 (decided on 04.03.2024)], S.K. Mittal Vs. CBI [Crl. M.C. No. 2215/2004 (decided on 13.09.2007)], Karambir Singh Vs. C.B.I. [2011 SCC OnLine Del 4586], Santosh De Vs. Archna Guha & others [1994 Supp (3) SCC 735] & Mihir Kumar Ghosh Vs. State of West Bengal & others [1988 SCC OnLine Cal 268].**

11. On the other hand, learned State counsel opposing the submission made by learned counsel for the applicant would submit that the

material collected during investigation discloses a *prima facie* case that the applicant had acquired assets disproportionate to his known sources of income. He would further submit that the allegations are supported by the material collected during the search and investigation and that the grounds raised by the applicants involve disputed questions of fact which cannot be conclusively adjudicated at the stage of framing of charge. He would further submit that so far as delay is concerned, it is well settled position of law that the delay is not always good ground to quash the criminal proceedings, it is dependable upon the facts the circumstances of the case. The record of the case available with the case diary would show that various cases were filed by the applicant regarding investigation, sanction before this Court and also interim protections were granted to the applicant which has caused delay in investigation, therefore, it cannot be said that the delay in submission of charge-sheet is fatal for the case of the prosecution and would pray for dismissal of the revision petition.

12. I have heard learned counsel for the parties and perused the documents placed on record with utmost satisfaction.

13. From the material collected by the prosecution, it appears that the source of income of the applicant and the circumstances in which he allegedly acquired the assets in question are matters requiring consideration on the basis of the evidence collected during the trial. The submission of learned Senior counsel for the applicant that the income or assets in question were derived from legitimate sources may constitute a defence during trial. However, at the stage of framing of charge, this Court cannot conclusively accept the defence version and discard the prosecution material. Whether the assets in question were

acquired from known or legitimate sources of income, or whether they were disproportionate to the applicant's known sources of income, is a matter to be examined by the trial Court in accordance with law on the basis of the material available on record. The submission made by learned Senior counsel that the property purchased by the relatives of the applicant is from their known source, is again a defence of the applicant and this Court cannot conduct a fishing enquiry or conduct enquiry to ascertain reliability and genuineness of the allegations levelled in the FIR or the material collected by the prosecution. It is pertinent to mention here that Hon'ble the Supreme Court while quashing of the FIR/investigation in case of Prevention of Corruption Act has cautioned the Court to adopt the principle of non-interference except in cases with very special feature which is not available in the facts and circumstances of the present case. Hon'ble the Supreme Court in case of **State of Chhattisgarh Vs. Aman Kumar Singh [(2023) 6 SCC 559]** has held in paragraph 80 to 83 as under:-

> "80. Having regard to what we have observed above in paragraph 49 (supra) and to maintain probity in the system of governance as well as to ensure that societal pollutants are weeded out at the earliest, it would be eminently desirable if the high courts maintain a hands-off approach and not quash a first information report pertaining to "corruption" cases, specially at the stage of investigation, even though certain elements of strong-arm tactics of the ruling dispensation might be discernible. The considerations that could apply to quashing of first information reports pertaining to offences punishable under general penal statutes ex proprio vigore may not be applicable to a P.C. Act offence. Majorly, the proper course for the high courts to follow, in cases under the P.C. Act, would be to permit the investigation to be taken to its logical conclusion and leave the aggrieved party to pursue the remedy made available by law at an appropriate stage. If at all interference in any case is considered necessary, the same should rest on the very special features of the case.
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> 81. Although what would constitute the special features has necessarily to depend on the peculiar facts of each case, interference could be made in exceptional cases where the records reveal absolutely no material to support even a reasonable suspicion of a

> public servant having intentionally enriched himself illicitly during the period of his service and nothing other than mala fide is the basis for subjecting such servant to an investigation.
> 82. We quite appreciate that there could be cases of innocent public servants being entangled in investigations arising out of motivated complaints and the consequent mental agony, emotional pain and social stigma that they would have to encounter in the process, but this small price has to be paid if there is to be a society governed by the rule of law. While we do not intend to fetter the high courts from intervening in appropriate cases, it is only just and proper to remind the courts to be careful, circumspect and cautious in quashing first information reports resting on mala fide of the nature alleged herein.
> 83. For the foregoing reasons, we have no option but to hold that there are no cogent grounds for quashing the FIR in the present case even on the ground of mala fide."

14. So far as the contention for quashing of the FIR on the count of delay in completion of investigation after thirteen years of registration of FIR, is concerned, the same deserves to be rejected as the record of the case would show that the applicant has preferred WPCR No. 582/2018 before this Court challenging FIR No. 16/2025 and for issuance of direction to sanctioning authority to consider the explanation submitted by the applicant with regard to the alleged disproportionate income. This Court vide order dated 02.01.2019 has directed that no coercive step shall be taken against the applicant but directed the authorities to proceed with the investigation in pursuance of the FIR lodged on 08.05.2005. The record of the case further demonstrates that WPCR No. 582/2018 was disposed of by Hon'ble Division Bench of this Court on 11.05.2023 granting liberty to the applicant to take recourse of law for quashing of the charge-sheet before the competent court. The record of the case further demonstrates that the applicant was sentenced on 28.06.2019 by the learned Special Judge, Anti-Corruption, South Bastar, Dantewada in Special Case No. 01/2015 under Section 7A of the Act, 1988 for three years with fine amount of

Rs. 25,000/- and under Sections 13(1)(d) read with 13(2) of the Act, 1988 for five years with fine amount of Rs. 25,000/-. The conviction was challenged by the applicant before this Court by filing CRA No. 1043/2019 which was allowed by this Court vide order dated 15.05.2026 by acquitting the applicant from the charges levelled against him by granting benefit of doubt. Since the applicant is already facing trial under the Act, 1988, as such the delay as alleged by the applicant is of no significance, therefore, the submission made by learned Senior counsel for the applicant that due to delay submission of charge-sheet after thirteen years the framing of charges by the learned trial Court is illegal and deserves to be quashed, are misconceived and accordingly, it is rejected. So far as judgment referred to by learned Senior counsel for the applicant in case of **S.K. Mittal** (supra) wherein Delhi High Court relying upon the various judgments of Hon'ble the Supreme Court, has quashed the FIR under the Prevention of Corruption Act on the count of delay in submission of charge-sheet, is distinguishable on the facts as in the present case, the applicant has already convicted in Special Case No. 01/2015 by the learned Special Judge, (Anti Corruption) South Bastar, Dantewada under the Prevention of Corruption Act and this Court vide judgment dated 15.05.2026 has acquitted the accused, therefore, the delay in completion of investigation is not so fatal looking to the facts and circumstances of this case, as such the submission made by learned Senior counsel for the applicant for quashing of the charges on the count of delay, deserves to be rejected and accordingly, it is rejected.

15. Further submission of learned Senior counsel for the applicant that the applicant has purchased the house from the loan obtained under GPF

account and after due permission, he has purchased the same, starting of dairy farm in the name of his wife and all the properties have been purchased after permission or duly intimation to the authorities, as such the offence is not made out, are the defence of the applicant which cannot be adjudicated by this Court at the time of examining the legality and propriety of the charged framed by the learned trial Court as settled by Hon'ble the Supreme Court in case of **Manendra Prasad Tiwari Vs. Amit Kumar Tiwari & another [(2022) 20 SCC 757]** wherein it has been held in paragraphs 23, 24 & 25 as under:-

> "23. It is also well settled that when the petition is filed by the accused under Section 482 CrPC or a revision Petition under Section 397 read with Section 401 of the CrPC seeking for the quashing of charge framed against him, the Court should not interfere with the order unless there are strong reasons to hold that in the interest of justice and to avoid abuse of the process of the Court a charge framed against the accused needs to be quashed. Such an order can be passed only in exceptional cases and on rare occasions. It is to be kept in mind that once the trial court has framed a charge against an accused the trial must proceed without unnecessary interference by a superior court and the entire evidence from the prosecution side should be placed on record. Any attempt by an accused for quashing of a charge before the entire prosecution evidence has come on record should not be entertained sans exceptional cases. [see State of Delhi v. Gyan Devi, (2000) 8 SCC 239].
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> 24. The scope of interference and exercise of jurisdiction under Section 397 of CrPC has been time and again explained by this Court. Further, the scope of interference under Section 397 CrPC at a stage, when charge had been framed, is also well settled. At the stage of framing of a charge, the court is concerned not with the proof of the allegation rather it has to focus on the material and form an opinion whether there is strong suspicion that the accused has committed an offence, which if put to trial, could prove his guilt. The framing of charge is not a stage, at which stage the final test of guilt is to be applied. Thus, to hold that at the stage of framing the charge, the court should form an opinion that the accused is certainly guilty of committing an offence, is to hold something which is neither permissible nor is in consonance with the scheme of Code of Criminal Procedure.
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> 25. Section 397 CrPC vests the court with the power to call for

and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law or the perversity which has crept in the proceeding."

16. Again Hon'ble the Supreme Court in case of **State of Orissa Vs. Pratima Behera [AIR 2025 SC 218]** has held in paragraphs 10, 11 & 12 as under:-

"10. We may hasten to state at this juncture that though at the stage of framing of issue what is to be seen is only whether there is a prima facie case to make the accused to stand the trial at the trial, certainly, the presumption of innocence should be in favour of the accused.

11. Taking note of the fact that in the case on hand, the High Court set aside the charge framed against the respondent while exercising the revisional power, it is relevant to refer to the decision in Minakshi Bala v. Criminal Appeal No.3175 of 2024 Sudhir Kumar & Ors4. This Court on the question of quashing of charge by the High Court made the following pertinent observations: -

"7…To put it differently, once charges are framed under Section 240 CrPC the High Court in its revisional jurisdiction would not be justified in relying upon documents other than those referred to in Sections 239 and 240 CrPC; nor would it be justified in invoking its inherent jurisdiction under Section 482 CrPC to quash the same except in those rare cases where forensic exigencies and formidable compulsions justify such a course. We hasten to add even in such exceptional cases the High Court can look into only those documents which are unimpeachable and can be legally translated into relevant evidence.

8. Apart from the infirmity in the approach of the High Court in dealing with the matter which we have already noticed, we further find that instead of adverting to and confining its attention to the documents referred to in Sections 239 and 240 CrPC the High Court has (1994) 4 SCC 142; 1994 INSC 201 Criminal Appeal No.3175 of 2024 dealt with the rival contentions of the parties raised through their respective affidavits at length and on a threadbare discussion thereof passed the impugned order. The course so adopted cannot be supported; firstly, because finding regarding commission of an offence cannot be recorded on the basis of affidavit evidence and secondly, because at the stage of framing of

> charge the Court cannot usurp the functions of a Trial Court to delve into and decide upon the respective merits of the case." (underline supplied)
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> 12. In short, while reiterating the position that in a prosecution, presumption of innocence should be in favour of the accused, it has to be said that at the stage of framing charge, even a very strong suspicion, of course, founded upon materials and presumptive opinion would enable the Court to frame charge against an accused."

17. Considering the well settled position of law, particularly in a case under the Act, 1988 in case of **Aman Kumar Singh** (supra) wherein Hon'ble the Supreme Court has held that principle of non-interference has to be followed by the Court, except in such cases where special feature exists which is not available in the present facts and circumstances of the case. Further considering that this Court while hearing the petition against the framing of charges, is required to examine whether the material placed by the prosecution, if accepted at its face value, discloses the ingredients of the offences alleged and whether there is sufficient ground for proceeding against the accused. The Court is not required to conduct a roving or meticulous examination of the evidence or to determine whether the prosecution will ultimately succeed in establishing the charges beyond reasonable doubt. In the facts and circumstances of the present case, this Court is of the opinion that the material collected during investigation cannot be said to be so deficient or inherently improbable as to warrant interference with the order framing charges. Thus, the instant criminal revision deserves to be dismissed.

18. Accordingly, the criminal revision is hereby **dismissed**. The order framing charges against the applicants for offences punishable under Sections 13(1)(e) read with Section 13(2) of the Act, 1988 is hereby

affirmed. The interim order passed earlier stands vacated.

19. It is made clear that the observations made herein are confined solely to the consideration of the present revision against the order framing charge shall not prejudice the applicant or the prosecution during the trial and the learned trial Court shall decide the case strictly on the basis of the evidence adduced before it, uninfluenced by any observation made in this order on its own merit.

Sd/-
(Narendra Kumar Vyas)
Judge

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