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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 79/2026**

ANIL CHAUDHARY

.....Petitioner

Through: Mr. Lalit Kumar and Mr. Satendra
Singh, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION & ORS.

.....Respondents

Through: Mr. Rajesh Kumar, SPP with Mr.
Mishika Pandita, Mr. Changez Khan,
Mr. Siddharth Shekhar, Mr. Sanjay
Kumar and Ms. Akshara Alok,
Advocates for CBI.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **04.02.2026**

CRL.M.A. 3710/2026 (exemption)

CRL.M.A. 3711/2026 (exemption)

Exemptions granted, subject to just exceptions.

The applications stand disposed-of.

CRL.REV.P. 79/2026 & CRL.M.A. 3709/2026

By way of the present petition filed under section 438 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks *inter-alia* quashing of impugned order dated 23.12.2025 read with formal order on charge dated 09.01.2026 passed by the learned Special Judge (PC Act), CBI-11, Rouse Avenue Courts, Delhi in case bearing CC No.145/2024

2. After hearing learned counsel for the petitioner at some length, it transpires that the essence of the petitioner's grievance is that while



dismissing the petitioner's application seeking discharge in the matter *vide* impugned order dated 23.12.2025 read with order dated 09.01.2026, the learned Special Judge has made observations, which impinge on the merits of the evidence that has come forth in the chargesheet and that therefore prejudice the trial.

3. Upon reading of the impugned orders, this court is of the view that reference to the evidence has come in the course of recording of the submissions made by learned counsel for the petitioner, as well as counsel appearing on behalf of Central Bureau of Investigation, and no opinion appears to have been expressed by the learned Special Judge in the analysis and conclusion portion of order dated 23.12.2025.
4. Furthermore, the analysis and conclusion portion of the order shows that the learned Special Judge also records the following observations:

“In view of the position of law laid down in the above said judicial pronouncements, it is a settled proposition that at the stage of charge, it is only to be seen that a prima facie case is made out against the accused. The court, at this stage, need not delve into the realm as to whether the case of the prosecution can be proved beyond reasonable doubt. The pivotal criteria of framing of charge is to access if there exist sufficient grounds to proceed against the accused by framing of charges and put the matter to trial. For that, simply a prima-facie view of the matter is to be considered. It is also a settled proposition that in appropriate cases, charge can be framed even on the basis of a strong suspicion.”

5. In fact, the cautious approach of the learned Special Judge is also evident from the following observations that he has made in relation to the challenge to the sanction obtained in the matter :

“31. The validity of the sanction, including the competence of the sanctioning authority, shall be put to test during the course of trial and the accused would get an opportunity to demonstrate that



the sanction was invalid and the same was granted without application of mind. However, the prosecution's case cannot be thrown out at this stage either on the ground of irregularity of sanction under Section 19 of the PC Act or on the ground of absence of sanction under Section 218 of Cr. P.C. It can be seen that A-1, while being posted as Patwari at the office of SDM, entered into a criminal conspiracy with other accused persons for demanding and accepting illegal gratification from the complainant. It cannot be considered that these acts were committed by A-1 while acting or purporting to act in the discharge of his official duty. Demanding bribe from a public person cannot be considered as an act in discharge of the official duty of A-1 and in view thereof, no sanction as contemplated under Section 218 of BNSS was required in respect of offence punishable under Section 61(2) of BNS, 2023."

*"35. The material on record prima-facie demonstrates the commission of offence punishable under Section under Section 61 (2) of Bhartiya Nyay Sanhita (BNS), 2023 and Section 7 & 12 of the Prevention of Corruption (PC) Act. In addition, the material on record also indicates that A-2 & A-3 aided and abetted the commission of offence punishable under Section 7 of the PC Act. Accordingly, **charge under Section 61(2) of BNS, 2023 read with Section 7 of PC Act is made out against A-1 Anil Kumar @ Anil Chaudhary, A-2 Nitin Kumar and A-3 Naresh Kumar. Separate charge under Section 7 of PC Act is made out against A-1 Anil Kumar @ Anil Chaudhary and in addition, separate charge under Section 12 of PC Act is also made out against A-2 Nitin Kumar and A-3 Naresh Kumar.***

36. Formal charges be framed accordingly."

(bold in original)

6. Be that as it may, in order to allay any apprehension expressed by learned counsel for the petitioner, it is observed and clarified that nothing stated in the impugned orders insofar as the they refer to the evidence placed before the learned Special Judge alongwith the chargesheet, would reflect on the consideration by the learned Special Judge on the merits of the matter in the course of trial.



7. The petition is disposed-of, with the above observations at the stage of issuance of notice itself.
8. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 4, 2026/ak