HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 494/2026
CNR: RJHC020230702026 | URN: CRLR / 868U / 2026

Murad Khan S/o Shri Ismail Khan, Aged About 40 Years, R/o Village Chhan, Post Banskheda, Panchayat Samiti Manohar Thana, District Jhalawar (Raj.).

----Petitioner

Versus

1 State Of Rajasthan, Through P.P.

2 Gajanand Kahar S/o Sh. Mathuralal, Village Dhaba, Gram Panchayat Banskheda, Dist. Jhalawad (Raj.)

----Respondents

For Petitioner(s)	:	Mr. Anurag Sharma, Mr. Akshat Sharma
For Respondent(s)	:	Mr. Jitendra Singh Rathore, Mr. Shailesh Kumar Panwar

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HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

27/10/2026

1. The Criminal Revision Petition is preferred under Section 438 read with Section 442 of the BNSS, challenging the impugned order dated 04.02.2026, passed by the learned Sessions Court, Prevention of Corruption Act, Kota (Raj.) in Session Case No.78/2025, whereby directions were given against the petitioner for framing the charges under Section 7A of the Prevention of Corruption Act, 1988.

2. Learned counsel for the petitioner submits that prima-facie, there was no material available on record against the petitioner to frame charges under Section 7A of the Prevention of Corruption Act, 1988. It is alleged that the petitioner demanded a sum of

Rs.15,000/- from the complainant in connection with work executed in the year 2018. It is also contended that a letter dated 26.02.2011, which was also a part of the charge-sheet, specifically record that the complainant received a sum of Rs.42,089/- on 17.04.2018 and the said amount was deposited in the complainant's bank account, thus on 07.04.2021, no payment was due to the complainant. It is also contended that in the transcript also that there is no specific conversation with regard to any demand. Furthermore, It is contended that the main allegation was against petitioner's father, however, the Government declined to issue prosecution sanction, therefore, in the aforesaid circumstances, there was no material available on record to frame the charges against the petitioner under Section 7A of the Prevention of Corruption Act and further the learned Court failed to consider the letter dated 26.02.2011 while directing framing of the charges against the petitioner. Therefore, the order of framing the charges under Section 7A of the Prevention of Corruption Act, 1988 may be quashed and set-aside.

3. Learned Public Prosecutor and learned counsel for the complainant have vehemently opposed the revision petition and contended that the learned Trial Court has considered the verification report which substantiate the demand and also relied upon the evidence which were placed on record and prima-facie there was enough material against the petitioner to frame the charges under Section 7A of the Prevention of Corruption Act. It is also contended that letter dated 26.02.2011 is not pertaining to the work which have been mentioned in the complaint filed by the complainant rather it related to different work, therefore,

considering the aforesaid facts, the revision petition of the petitioner may be dismissed.

4. Heard and perused the material on record.

5. In the impugned order dated 04.02.2026, the Court while directing to frame the charges under Section 7A of the Prevention of Corruption Act, has not referred a letter dated 26.02.2011, which is a document pertaining to the payment made to the complainant with regard to execution of some work. While considering framing of charge under Section 7A of the Prevention of Corruption Act, the Court has not considered the aforesaid letter.

6. As to whether the letter dated 26.02.2011, pertains to the alleged work or related to other work is a question for the Trial Court to scrutinize on the basis of available record at the time of considering charge argument. Therefore, the impugned order dated 04.02.2026 is set-aside with the direction to the Court to hear the matter afresh and pass a fresh order while taking consideration of letter dated 26.02.2011.

7. Accordingly, the criminal revision petition is disposed of.

8. All pending applications, if any, shall also stands disposed of.

(PRAVEER BHATNAGAR),J

24/KESHAV GHIYA