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HIGH COURT OF JUDICATURE AT ALLAHABAD

Neutral Citation No. - 2020:AHC:18367

?Court No. - 66

Case :- CRIMINAL REVISION No. - 109 of 2020

Revisionist :- Chetram Singh

Opposite Party :- State Of U.P. And 5 Others

Counsel for Revisionist :- Kamal Krishna Roy,Akhilesh Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Rajul Bhargava,J.

Heard learned counsel for the revisionist as well as learned A.G.A. for the State.

In the present revision, the revisionist had moved an application under Section 156(3) Cr.P.C. for registration of the first information report against opposite party no.2 in respect of his acts which falls within the ambit of provisions of Prevention of Corruption Act. The said application was rejected by the learned Magistrate in view of the law laid down by the Hon'ble Apex Court in the case of Anil Kumar and others vs. M.K. Aiyappa and another 2013 SCC Page 711 and L. Narayana Swamy vs. State of Karnataka & Ors reported in (2016) 9 SCC 598. In Anil Kumar and others vs. M.K. Aiyappa and another (supra), it is held "that the Special Judge could not have taken notice of the private complaint unless the same was accompanied by a sanction order, irrespective of whether the Court was acting at a pre-cognizance stage or the post-cognizance stage, if the complaint pertains to a public servant who is alleged to have committed offences in discharge of his official duties."

The conflicting view of the aforesaid judgments was argued before the Hon'ble Apex Court in the case of Manju Surana vs. Sunil Arora reported in (2018) 5 SCC 557 and in view of the conflicting judgments and other judgments of the Apex Court, the Supreme Court has referred the matter to a larger Bench for consideration as to whether prior sanction is required even before taking cognizance of offence and at the stage of moving application under Section 156(3) Cr.P.C.

In the light of aforesaid, learned counsel for the revisionist states that he may be permitted to withdraw the present revision with liberty to file afresh as and when the larger Bench of the Hon'ble Apex Court decides the aforesaid question of law.

In view of it, the present revision is accordingly, dismissed as withdrawn with liberty to file afresh.

Office is directed to return the certified copy of the impugned orders and other documents after retaining photostat copy of the same on record.

Order Date :- 27.1.2020/ Vikas

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