

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 233 OF 2020
(Arising out of SLP (Crl.) No. 8864 of 2018)

RAJIV KUMAR RAJPAL

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH & ANR.

Respondent(s)

O R D E R

Leave granted.

This appeal takes exception to the judgment and order dated 14.08.2018 passed by the High Court of judicature at Allahabad in Application No. 20389 of 2017 filed under Section 482 of Cr.P.C. The High Court declined to quash the criminal proceedings initiated against the appellant. Criminal Case has been instituted against the appellant in respect of his official action taken against the complainant. The allegation in the complaint is about manipulation of the record by the appellant during the inspection/sealing of ultrasound unit, including illegal demand made by him.

Admittedly, the factual matrix on the basis of which criminal complaint has been registered against the appellant is concerning his alleged acts of commission and omission during his official work of inspection/sealing of ultrasound unit.

The crucial question is whether the Trial Court could have taken cognizance of such a case without prior sanction of the competent authority. It is not in dispute that prior sanction has

not been accorded against the appellant thus far. If so, the Trial Court could not have taken cognizance of the case at all.

As a result, this appeal succeeds and the impugned judgment and order of the High Court as well as the cognizance order passed by the Trial Court are set aside, while making it clear that, in future, if sanction is accorded by the competent authority to prosecute the appellant, the matter can proceed from that stage on its own merits and in accordance with law.

The appeal is allowed in the above terms.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(DINESH MAHESHWARI)

New Delhi
February 06, 2020

ITEM NO.2

COURT NO.7

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) NO. 8864 of 2018

RAJIV KUMAR RAJPAL

Petitioner (s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

Date : 06-02-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Appellant(s)

Mr. Gaurav Agarawal, Adv.
Ms. Manisha Ambwani, AOR
Mr. Ankit Roopamwal, Adv.
Ms. Srishti K., Adv.

For Respondent(s)

Mr. Rana Mukherjee, Sr. Adv.
Ms. Rukhmini Bobde, Adv.
Mr. Ajay Vikram Singh, AOR
Ms. Priyanka Singh, Adv.
Mr. Chandra Shekhar, Adv.

Kumar C.M. Khan, Adv.
Md. Farman, Adv.
Mr. Salman Khan, Adv.
Mr. Shoib Khan, Adv.
Mr. Md. Farman, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]