



2025:AHC-LKO:49682

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 6937 of 2025

[AFR]

Mohd. Abdul Aleem Khan

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. (Home)/
Prin. Secy. Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Nadeem Murtaza, Suruchi Tripathi,
Wali Nawaz Khan
Counsel for Opposite Party(s): G.A.

Court No. - 14

HON'BLE SHREE PRAKASH SINGH, J.

1. Heard Sri Nadeem Murtaza, Advocate assisted by Sri Wali Nawaz Khan, Ms. Suruchi Tripathi and Sri Aishwarya Pratap Singh, learned counsels for the applicant and Sri Sushil Pandey and Sri Nirmal Kumar Pandey learned Additional Government Advocate, for the State.
2. The instant application under Section 528 BNSS/482 Cr.P.C. has been filed by the applicant with the prayer to quash the impugned order dated 25.07.2025, passed by learned Special Judge (Prevention of Corruption Act), Court no. 6, Lucknow, in Sessions Case No. 590 of 2023 (State v. Mohd. Abdul Aleem Khan), arising out of Case Crime No. 1262/2019, under Section 13(1)(b) r/w 13(2) of the Prevention of Corruption Act, 1988 (as amended by Act of 2018), Police Station Gomti Nagar, District Lucknow. Further prayer is that the scant observations made in the impugned order dated 25.07.2025, against the learned Senior Advocate, representing the applicant, before the learned trial court may be deleted, as well as entire proceedings of aforesaid sessions Case may also be quashed.
3. Briefly stated factual matrix of the case is that the applicant

joined as a Pool Officer and was selected in the Provincial Civil Services and thereafter promoted as an Officer in Indian Administrative Services and he retired from services on 30.11.2009. On 19th of February, 2015, an enquiry was contemplated by the U.P. Vigilance Establishment, Lucknow, thereafter, the applicant submitted the proof of income, assets and expenditure in respect with him, as well as his wife, the son, daughter-in-law and his 2 daughters. Subsequently, an FIR was lodged on 24th of October, 2019 under Section 13(2) read with Section 13(1)(b) of the Prevention of Corruption Act, 1988 (hereinafter referred as 'Act of 1988'), with the Police Station Gomti Nagar, District Lucknow. Whereafter, the investigation commenced and the Competent Authority, in violation of mandatory provisions, under Sections 17 and 17-A of the Act 1988, proceeded with the matter. On 20th of January, 2023, the sanction for prosecution was accorded on behalf of Her Excellency, the Governor of Uttar Pradesh and the chargesheet was prepared on 18th of March, 2023. Such sanction granted by the Authority was assailed before this Court by filing an Application u/s 482 Cr.P.C. No. 10429 of 2024, wherein an order was passed on 18th of December, 2024, which is reproduced as under:

"1. Heard Sri Nandit Kumar Srivastava, Senior Advocate assisted by Ms. Suruchi Tripathi, Advocate, Sri Tanmay Krishna, Sri Ujjwal Maurya and Ms. Shahla Zubair, Advocate, learned counsel for the applicant and Sri Rao Narendra Singh, learned A.G.A.

2. The instant application has been filed by the applicant with a prayer to quash the charge-sheet dated 18.03.2023 and cognizance order dated 23.03.2023 as well as discharge rejection order dated 07.11.2024, and to hold the sanction order dated 20.01.2023.

3. On 16.12.2024, following order was passed:-

"1. Heard Sri Nandit Kumar Srivastava, Senior Advocate assisted by Ms. Suruchi Tripathi, Advocate, Sri Tanmay Krishna, Sri Ujjwal Maurya and Ms. Shahla Zubair, Advocate, counsel for the applicant, Sri Rao Narendra Singh, learned A.G.A. and Sri Raj Kumar Singh, Senior Standing Counsel for Union of India

2. On 12.12.2024 following order was passed:-

"1. Heard Sri Nandit Kumar Srivastava, Senior Advocate assisted by Ms.

Suruchi Tripathi, Advocate, Sri Ujjwal Maurya and Ms. Shahla Zubair, Advocate, counsel for the applicant, Sri Rao Narendra Singh, learned A.G.A. and Sri Raj Kumar Singh, Senior Standing Counsel for Union of India.

2. Supplementary affidavit filed by learned counsel for the applicant is taken on record.

3. On 3.12.2024, following order was passed:-

1. On 28.11.2024 following order was passed:-

"1. Heard Sri Nandit Srivastava, Senior Advocate assisted by Ms. Suruchi Tripathi, Advocate & Ms. Shahla Zubair, Advocate, learned counsel for the applicant and Sri Rao Narendra Singh, learned A.G.A. for the State.

2. The present application under Section 482 Cr.P.C. is filed with the prayer to quash the proceeding of Sessions Trial (Criminal Case) No.590 of 2023 'State Vs. Mohd. Aleem Khan', under Section 13(1)(b) read with Section 13(2) of Prevention of Corruption Case, arisen out of F.I.R. No.1262 of 2019, Police Station Gomti Nagar, District Lucknow.

3. Learned counsel for the applicant submits that applicant is a retired officer of Indian Administrative Services Cadre and prosecution in question was initiated in the most mechanical manner without mentioning the check period for inquiry with the allegation of disproportionate asset. He also submits that inquiry was conducted and F.I.R. was lodged, and thereafter, comprehensive reply was given but same was not considered and charge sheet was filed by the Investigating Officer.

4. It was obligatory on the part of the Investigating Officer to obtain sanction from the appointing authority, i.e., His Excellency, President of India but in the present case the sanction has been given by the State Government, which is not permissible in the eye of law.

5. Learned counsel for the applicant submits that sanction was granted by the State Government on the advice of the Department of Justice, Government of U.P.

6. List this case on 3.12.2024 at 11:30 A.M.

7. On the next date of listing, responsible officer of appointment department as well as Department of Law, State of U.P. shall appear before this Court and explain that whether for prosecution of a officer belongs to Indian Administrative Services Cadre, sanction is necessary from the President of India or Governor of State.

8. It is open to the applicant to make request before the trial court for deferring of the proceeding till the next date."

2. In pursuance of aforesaid order, Mr. Aurnesh Kumar Dwivedi, Joint Secretary, Department of Personnel and Appointment and Mr. Manmeet Suri, Special Secretary, Department of Law, Government of U.P. are present before this Court. Relevant record has been placed by them. They submitted that it is bounden duty of the Investigating Officer to obtain sanction from the Central Government/appointing authority for prosecuting the officer who belongs to All India Service Cadre.

It has been informed that in the present case prior to 20.01.2023 three letters dated 07.12.2021, 04.02.2022 and 03.03.2022 were written to the Central Government for grant of sanction but no reply was given by the Under Secretary, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India. Thereafter, on 20.01.2023 the Investigating Officer was granted permission to submit charge sheet against the applicant for the alleged offence under Section 13 (1) (b) read with Section 13 (2) of Prevention of Corruption Act as amended in the year 2018.

Mr. Aurnesh Kumar Dwivedi has conceded the fact that Under Secretary, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India informed vide letter No.107/14/2022-AVD.I/C.2 dated 23.06.2023 in response to letter No. 612/2-5-2023-22/(24)/2019 dated 19.05.2023 that in the case related to Babu Ram IAS (retired) for grant of sanction to prosecute him, the guidelines outlined at para 4 of DOP&T letter no.107/8/99-AVD-I dated 27.10.1999 regarding sanction for prosecution against a retired IAS Officer has been superseded by the Prevention of Corruption Act, 1988 as amended in the year 2018 and observed that Members of All India cadre who have ceased to hold the office during which the offence is alleged to have been committed or who has ceased to hold the office during which the offence is alleged to have been committed and is holding an office other than the office during which the offence is alleged to have been committed, sanction is necessary from the Government of India. Thereafter all the matters of the officials belong to All India Service Cadre are being referred to the Central Government for proper sanction.

3. List this case on 12.12.2024.

4. By the next date of listing, Mr Raj Kumar Singh, learned counsel appearing for Union of India shall seek written instructions from the Secretary, Ministry of

Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India that why the response to the letters dated 07.12.2021, 04.02.2022 and 03.03.2022 has not been given related to the prosecution sanction of the applicant.

5. Mr. Aurnesh Kumar Dwivedi, Joint Secretary, Department of Personnel and Appointment shall again appear along with relevant record before this Court.

6. Mr. Manmeet Suri, Special Secretary, Department of Law, Government of U.P. need not appear unless called for.

7. It is open to the applicant to move deferment application before the court concerned. In case any such application is filed, the proceedings shall be deferred by the court below till decision of the present case.

4. Sri Rajkumar Singh, Senior Standing Counsel for Union of India placed a letter dated 10.12.2024 written by Mr. Pijush Mohanta, Under Secretary, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Govt. of India and informed that never any request for grant of prosecution sanction was received from the State Government. He also informed that in pursuance of the letter dated 7.12.2021 issued by the Government of U.P., reply was given through a letter dated 5.5.2022.

5. List this case on 16.12.2024 at 11:30 A.M."

6. On the next date, Principal Secretary, Department of Appointment, Government of U.P. shall appear before this Court and explain the procedure to accord the sanction for prosecution in relation to the officials belongs to All India Cadre."

3. In pursuance of earlier order, Mr. Desh Raj, Principal Secretary, Department of Appointment, Government of U.P is present.

4. Mr Raj Kumar Singh, learned counsel appearing for Union of India has placed a policy for grant of sanction in respect of public servant belongs to All India Cadre dated 18.10.2024, which is taken on record.

5. List this case on 18.12.2024 at 11.30 a.m.

6. By the next date, the Principal Secretary shall file his personal affidavit explaining the manner for according the sanction for prosecution of officials belong to All India Cadre under the provision of P.C. Act.

7. The officer present today need not appear unless called for."

4. In pursuance of aforesaid order, counter affidavit filed by Sri Rao Narendra

Singh, learned A.G.A. duly signed by Mr. M. Devraj, Principal Secretary, Department of Personnel and Appointment, Government of U.P., Lucknow is taken on record.

5. Having perused paragraph nos. 13 and 15 of the aforesaid counter affidavit, it is admitted by the Principal Secretary, Department of Personnel and Appointment, Government of U.P., Lucknow that only Government of India is competent authority to give sanction for prosecution in relation to the officials who belong to All India Service Cadre. However, the sanction is granted by State Government in the present case.

6. Considering the contents of aforesaid counter affidavit, it is evident that the sanction granted by the State Government is *non est*. Therefore, this application is allowed and the sanction order dated 20.01.2023 is hereby quashed.

7. However, it is open to the applicant that in case any sanction is granted by Government of India, then same can be agitated before this Court."

4. Vide the aforesaid order, the sanction granted by the State Government was declared *non est* and the sanction order dated 20.01.2023 was quashed and it was opened to the applicant that in case any sanction is granted by the Government of India, then the same can be agitated before this Court.

5. On 25th of July, 2025 the impugned order was passed by the learned trial court fixing a date on 24th of October, 2025, for further orders, for taking decision with respect to deemed sanction. Being aggrieved, the instant application is instituted.

6. The provision of sanction for prosecution under the Act 1988 is envisaged u/s 19. Section 19 of the Act reads as under:

"19. Previous sanction necessary for prosecution.

(1) No Court shall take cognizance of an offence punishable under [sections 7, 11, 13 and 15] [Substituted 'sections 7, 10, 11, 13 and 15' by Act No. 16 of 2018, dated 26.7.2018.] alleged to have been committed by a public servant, except with the previous sanction,

(a) in the case of a person [who is employed, or as the case may be, was at the time of commission of the alleged offence employed] [Substituted 'who is employed' by Act No. 16 of 2018, dated 26.7.2018.] in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that Government;

(b) in the case of a person [who is employed, or as the case may be, was at the time of commission of the alleged offence employed] [Substituted 'who is employed' by Act No. 16 of 2018, dated 26.7.2018.] in connection with the affairs of a State and is not removable from his office save by or with sanction of the State Government, of that Government;

(c) in the case of any other person, of the authority competent to remove him from his office.[Provided that no request can be made, by a person other than a police officer or an officer of an investigation agency or other law enforcement authority, to the appropriate Government or competent authority, as the case may be, for the previous sanction of such Government or authority for taking cognizance by the court of any of the offences specified in this sub-section, unless-

(i) such person has filed a complaint in a competent court about the alleged offences for which the public servant is sought to be prosecuted; and

(ii) the court has not dismissed the complaint under section 203 of the Code of Criminal Procedure, 1973 and directed the complainant to obtain the sanction for prosecution against the public servant for further proceeding:Provided further that in the case of request from the person other than a police officer or an officer of an investigation agency or other law enforcement authority, the appropriate Government or competent authority shall not accord sanction to prosecute a public servant without providing an opportunity of being heard to the concerned public servant:Provided also that the appropriate Government or any competent authority shall, after the receipt of the proposal requiring sanction for prosecution of a public servant under this sub-section, endeavour to convey the decision on such proposal within a period of three months from the date of its receipt:

Provided also that in case where, for the purpose of grant of sanction for prosecution, legal consultation is required, such period may, for the reasons to be recorded in writing, be extended by a further period of one month:Provided also that the Central Government may, for the purpose of sanction for prosecution of a public servant, prescribe such guidelines as it considers necessary.

Explanation. - For the purposes of sub-section (1), the expression "public servant" includes such person-(a)who has ceased to hold the office during which the offence is alleged to have been committed; or(b)who has ceased to hold the office during which the offence is alleged to have been committed and is holding an office other than the office during which the offence is alleged to have been committed.]

(2) Where for any reason whatsoever any doubt arises as to whether the previous sanction as required under sub-section

(1) should be given by the Central Government or the State Government or any other authority, such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), (a) no finding, sentence or order passed by a special Judge shall be reversed or altered by a Court in appeal, confirmation or revision on the ground of the absence of, or any error, omission or irregularity in, the sanction required under sub-section

(1), unless in the opinion of that Court, a failure of justice has in fact been occasioned thereby;

(b) no Court shall stay the proceedings under this Act on the ground of any error, omission or irregularity in the sanction granted by the authority, unless it is satisfied that such error, omission or irregularity has resulted in a failure of justice;

(c) no Court shall stay the proceedings under this Act on any other ground and no Court shall exercise the powers of revision in relation to any interlocutory order passed in any inquiry, trial, appeal or other proceedings.

(4) In determining under sub-section (3) whether the absence of, or any error, omission or irregularity in, such sanction has occasioned or resulted in a failure of justice, the Court shall have regard to the fact whether the objection could and should have been raised at any earlier stage in the proceedings. Explanation. For the purposes of this section,

(a) error includes competency of the authority to grant sanction;

(b) a sanction required for prosecution includes reference to any requirement that the prosecution shall be at the instance of a specified authority or with the sanction of a specified person or any requirement of a similar nature."

7. Having at glance, the aforesaid, it is apparent that there is no provision with respect to the deemed sanction of prosecution. The fact remains that the prosecution sanction, granted earlier vide order dated 20th of January, 2023, has already been quashed and it was opened to the applicant, to agitate any such order of sanction of prosecution before this Court, whereas subsequently, Her Excellency vide order dated 12.03.2025, has cancelled the

order of sanction of prosecution dated 20th of January, 2023 and as on date, there is no order regarding the sanction of prosecution, against the applicant, under Section 19 of the Act, 1988.

8. I have also noticed that in Paragraph 4, the learned trial court has considered the ratio of judgment rendered in the case of **Dr. Subramanian Swamy Vs. Dr. Manmohan Singh** reported in **[AIR 2012 SC 1185]**, and the operative part/ instructions are reproduced, herein under :-

"(a) All proposals for sanction placed before any sanctioning authority empowered to grant sanction for prosecution of a public servant under Section 19 of the PC Act must be decided within a period of three months of the receipt of the proposal by the authority concerned.

(b) Where consultation is required with the Attorney General or the Solicitor General or the Advocate General of the State, as the case may be, and the same is not possible within the three months mentioned in clause (a) above, an extension of one month period may be allowed, but the request for consultation is to be sent in writing within the three months mentioned in clause (a) above. A copy of the said request will be sent to the prosecuting agency or the private complainant to intimate them about the extension of the time-limit.

(c) At the end of the extended period of time-limit, if no decision is taken, sanction will be deemed to have been granted to the proposal for prosecution, and the prosecuting agency or the private complainant will proceed to file the charge-sheet/complaint in the court to commence prosecution within 15 days of the expiry of the aforementioned time-limit."

9. While reading the abovenoted instructions/part of consideration, it is abundantly clear that, these are not the ratio of judgment drawn in the abovenoted case but those are in the form of directions/instructions, framed to be considered by the Parliament, therefore, the findings which are based on the assumption of ratio in judgment of **Dr. Subramanian Swamy (supra)**, is erroneous, on it's face.

10. In the case of **Suneeti Toteja Vs. State of U.P. and Others**, reported in **[AIR 2025 SC 1308]** the ratios are drawn in Paragraph nos. 30 to 32, which read as under:

"30. The argument advanced by the respondent-State and the complainant with respect to "deemed sanction" is also not tenable. Section 197 of Code of

Criminal Procedure does not envisage a concept of deemed sanction. The chargesheet, as well as the counter affidavit of the respondent-State, have relied upon the judgment of this Court in Vineet Narain to contend that lack of grant of sanction by the concerned authority within relevant time would amount to deemed sanction for prosecution. However, a perusal of the said judgment reveals that it did not deal with Section 197 Code of Criminal Procedure and rather it dealt with the investigation powers and procedures of Central Bureau of Investigation and Central Vigilance Commission. While it did mention that the time limits for grant of sanction for prosecution must be strictly adhered to, there is no observation to the effect that lack of grant of sanction for prosecution within the time limit would amount to deemed sanction for prosecution.

31. Similarly, learned counsel for the complainant had placed reliance on the judgment of this Court in Subramanian Swamy to lend credence to the argument of deemed sanction for prosecution. However, even the said judgment does not in any manner lay down the notion of deemed sanction. First, the said judgment dealt primarily with the Prevention of Corruption Act, 1988 and the sanction for prosecution under that Act. Secondly, G.S. Singhvi, J. while penning his separate but concurring opinion in the said judgment, had given some guidelines for the consideration of the Parliament, one of which is to the effect that at the end of the extended period of time limit, if no decision is taken, sanction will be deemed to have been granted to the proposal for prosecution, and the prosecuting agency or the private complainant will proceed to file the chargesheet/complaint in the court to commence prosecution within fifteen days of the expiry of the aforementioned time limit. However, such a proposition has not yet been statutorily incorporated by the Parliament and in such a scenario, this Court cannot read such a mandate into the statute when it does not exist.

32. Therefore, we are of the opinion that the learned Magistrate was not right in taking cognizance of the offence against the appellant herein without there being a sanction for prosecution granted by the competent authority. Further, the High Court erred in not considering the fact that the sanction for prosecution was not granted by the competent authority under Section 197 of the Code of Criminal Procedure and eventually the sanction was expressly denied by the competent authority with respect to the allegations against the appellant. The necessary sanction not having been granted has vitiated the very initiation of the criminal proceeding against the appellant herein. Consequently, the chargesheet, the summoning order and the consequent steps, if any, taken by the trial court pursuant to the same are liable to be quashed qua the appellant herein and are thus quashed.

The appeal is therefore allowed in the aforesaid terms."

11. In this matter, considering the provisions of Section 197 of Code of Criminal Procedure as well as Section 19 of the Act 1988, the Hon'ble Apex Court held that without there being sanction for prosecution, granted by the Competent Authority, the cognizance cannot be taken and, further, there can be no 'deemed sanction' of prosecution, in respect with the provisions of Section 19 of the Act, 1988.

12. Learned counsel appearing for the State could not dispute the settled legal proposition of law as well as the applicability of law as provided under Section 19 of the Act, 1988, in it's right terms and intent.

13. It is culled out that the impugned order was passed while fixing the date on 24th of October, 2025, for further orders/deemed sanction. The fact remains that the order of sanction dated 20.01.2023 passed by Her Excellency, has already been quashed vide order of this Court dated 18.12.2024 and in compliance thereof, the order of sanction dated 20.01.2023 has formally been cancelled on 12.03.2025 and as a result, there is no sanction of prosecution against the applicant, as of now. This Court has also examined the law rendered in the case of **Dr. Subramanian Swamy (supra)** which is considered by the learned trial court in the impugned order. From bare reading, which is quoted in the impugned order, itself enough to show that the same is for direction to the Parliament to take note of the aforesaid points and to proceed for promulgating the law in respect thereof and that is not a guideline framed by the learned Apex Court, to be followed as law precedent and, therefore, the learned trial court has not rightly considered the ratio of judgment rendered, in the present case.

14. Further, the provisions of Section 19 of the Act, 1988 do not contains the provision, regarding 'deemed sanction' of prosecution, meaning thereby that there was no intent of legislature so as to prescribe any provision for grant of 'deemed sanction'.

15. It is trite law that if a law requiring a particular thing to be done in a particular manner, the same shall be done in that manner alone and not otherwise. The Hon'ble Apex Court has reiterated this ratio in the case of **Shri Khereshwar Mahadev VA Dauji**

Maharaj Samiti Vs. State of Uttar Pradesh and Others reported in **[2025 SCC OnLine SC 774]**.

16. In fact, it is long settled law that the Court cannot proceed with an assumption that the legislature has committed error or mistake while promulgating a statute, where the language of the statute is plain and unambiguous and, therefore the Court cannot add or subtract any meaning or word otherwise than the law is enacted with the particular intent of the wisdom of the legislature.

17. The provision of Section 19 of the Act, 1988 is para materia to the provision of section 197 Cr.P.C. to the effect and meaning of that there is no provision of 'deemed sanction'. More-so, Section 197 of Cr.P.C. is liberal than Section 19 of the Act, 1988, on the pretext that the provisions of Section 197 of Cr.P.C. opens an exception regarding an accused who was deployed, under some official duty. Having at a glance of the judgment of the Apex Court in the case of **Suneeti Toteja (supra)**, this court noticed that the issue with respect to deemed sanction has been dealt with, which says that the necessary sanction not having been granted, vitiates the very initiation of the criminal proceeding against the accused.

18. Departing from this order, it is noticed that learned trial court, while passing the impugned order, has made some adverse remarks against the Senior Lawyer, though, the same seems to be harsh. There are repeated adversarial remarks of the learned trial court whereas the Hon'ble Apex Court is aware of this kind of remarks and, therefore, held in Para nos. 9 and 15 of judgment rendered in the case of **Neeraj Garg Vs. Sarita Rani and Others** reported in **[(2021) 9 SCC 92]**, which is reproduced herein under:

"9. To press home the argument that the offending remarks against the counsel are unmerited, and do not meet the required parameters, the learned Sr. Counsel has cited State of U.P. vs. Mohammad Naim where Justice S.K. Das laid down the following tests to be applied while dealing with the question of expunction of disparaging remarks against a person whose conduct comes in for consideration before a Court of law. Those tests are:

- (a) Whether the party whose conduct is in question is before the court or has an opportunity of explaining or defending himself;
- (b) Whether there is evidence on record bearing on that conduct justifying the remarks; and

(c) Whether it is necessary for the decision of the case, as an integral part thereof, to animadvert on that conduct.

15. While it is of fundamental importance in the realm of administration of justice to allow the judges to discharge their functions freely and fearlessly and without interference by anyone, it is equally important for the judges to be exercising restraint and avoid unnecessary remarks on the conduct of the counsel which may have no bearing on the adjudication of the dispute before the Court."

19. It is apparent observation of the Apex Court that offending remarks against the counsels, are un-warranted and don't touched upon the required parameters .

20. Needless to say that the learned trial court has made some adverse remarks against Senior Counsel, though such remarks were not required under the facts and circumstances of the present case.

21. For the forgoing reasons and discussions, this court finds merit in the application, thus, the impugned order dated 25.07.2025 passed by learned Special Judge (Prevention of Corruption Act), Court no. 6, Lucknow, in Sessions Case No. 590 of 2023 (State v. Mohd. Abdul Aleem Khan), arising out of Case Crime No. 1262/2019, under Section 13(1)(b) r/w 13(2) of the Prevention of Corruption Act, 1988 (as amended by Act of 2018), Police Station Gomti Nagar, District Lucknow, is hereby set aside.

22. The instant application is ***allowed*** accordingly.

23. Liberty is granted to the trial court concerned to revive the proceedings, if sanction for prosecution is granted by the appropriate Government, in accordance with law.

(Shree Prakash Singh,J.)

August 25, 2025

kkv/