



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s). 2191-2192/2025

THE STATE OF MADHYA PRADESH

APPELLANT(S)

VERSUS

RAVI SHANKAR SINGH & ORS.

RESPONDENT(S)

WITH

Criminal Appeal No(s). 2904-2905/2025

O R D E R

Criminal Appeal No(s). 2191-2192/2025

1. These Appeals are directed against the orders passed by the High Court in the Writ Petition as well as in the Review Petition. While dismissing the Writ Petition seeking quashing of the sanction for prosecution granted by the Competent Authority under the Prevention of Corruption Act, 1988¹ against the first respondent-Ravi Shankar Singh, the High Court has issued certain directions as contained in paragraphs 32 and 33 of the impugned order dated 08.05.2020.

2. Admittedly, the first respondent-accused has been acquitted of the charges for committing the offences under Sections 7, 13(1)(d) and 13(2) of the PC Act and, thus, the

¹ For short, "the PC Act"

issue regarding validity of the sanction has become infructuous. However, the appellant-State is mainly aggrieved by certain directions which the High Court has issued in paragraphs 32 and 33 of the impugned order dated 08.05.2020. Therefore, in the peculiar facts of the case, we have proceeded to decide the issue concerning the High Court's power and jurisdiction to issue the nature of directions as contained in paragraphs 32 and 33 of the impugned order.

3. The High Court vide impugned order dated 08.05.2020 has issued the following directions:

"32. In our considered opinion, the advantage of recording the evidence of the Sanctioning Authority U/S 311 CRPC, before framing of charge, are as follows.

(a) The Court saves precious time if the evidence of the Sanctioning Authority reveals that the Sanction is bad either on account of it being passed by an incompetent authority or passed without application of mind which case, the accused can be discharged and the charge-sheet returned to the investigating agency.

(b) The investigating agency has the opportunity of seeking fresh sanction and refiling the chargesheet before the Trial Court.

(c) The accused does not get the benefit of *autrefois acquit/convict* as charge has not been framed, and

(d) The accused cannot get the benefit of a seeking quashment of the case on the ground of delayed trial, which he may otherwise get if he is discharged by the Trial Court at the end of the trial after a protracted trial spanning over a decade.

33.(sic) In view of what we have discussed and held hereinabove; we propose to lay down the

following guidelines to be followed by the learned trial court while trying a case under the Prevention of Corruption Act.

(a) The trial court shall examine the sanctioning authority exercising powers under section 311 CRPC before framing charge, even if there is no challenge to the same by the accused, as the validity of the sanction order can go to the root of the case and can render the very act of taking cognizance itself void *ab initio*.

(b) If the trial court finds that the sanction passed in consonance with the provisions of section 19 of the PC Act on both the parameters of competence of the sanctioning authority and application of mind on the part of the sanctioning authority, then the trial court shall proceed to the next stage and decide whether charges should be framed against the accused after hearing the prosecution and the defence.

(c) If the trial court is of the opinion that the sanction order under section 19 of the PC Act is fundamentally defective on either of the parameters, it shall discharge the accused and return the chargesheet to the investigating agency, which shall be at liberty to file the chargesheet once again after seeking a fresh sanction under section 19 of the PC Act.

(d) These directions are prospective in nature and shall not affect the proceedings in those cases where the charges have been framed and evidence has commenced before the trial court. It goes without saying that these directions shall have no effect on the inherent powers of the High Court under section 482 CRPC or its powers of revision under section 397 with 401 CRPC."

4. Learned counsel for the appellant-State would submit that although upon acquittal of the first respondent-accused, the present Criminal Appeals have abated; however, the directions and guidelines issued in paragraphs 32 and

33 by the High Court, as quoted above, will create difficulties in perpetuity affecting all criminal trials not only under PC Act but also in other serious offences. It is also argued that the appellant-State moved the High Court by preferring a Review Petition which also stands dismissed vide order dated 02.11.2020 in R.P. No. 1010/2020. It is further submitted that the High Court has wrongly read and interpreted the provisions contained in Section 311 of the Code of Criminal Procedure, 1973² for issuing the directions as if the Court may examine a witness at any stage of the proceeding i.e., to say even immediately after filing of the charge-sheet.

5. Mr. Naveen Kumar, learned counsel appearing for appellant-Kamta Prasad in Criminal Appeal Nos. 2904-2905 of 2025 would support the order/directions/guidelines issued by the High Court.

6. Learned counsel for the respondent(s) would submit that the provisions contained in Section 311 of the Cr.PC itself provides that the Court can exercise the power at any stage of any inquiry or trial or other proceedings under the Cr.PC, therefore, issuance of directions in consonance with the language of Section 311 Cr.PC is fully justified.

² For short, "the Cr.PC"

7. The Cr.PC prescribes and provides for a complete procedure as to the manner in which all kinds of trial will be conducted. They are provided in Chapters XV to XXI. Thus, the stage of Section 311 of the Cr.PC occurs under Chapter XXIV regarding general provisions as to inquiries and trials. These general provisions cannot be read into a step in conduct of trial so as to clothe a criminal court with jurisdiction to bye-pass the procedure provided for conduct of trial and evolve a new procedure and methodology for conducting trial by examining the sanctioning authority even before framing of charge. There is no such procedure provided in the Cr.PC where such step can be made permissible. We are afraid, a new stage for trial cannot be introduced by a judicial fiat. Trial in a criminal case including in offences under the PC Act has to be conducted in the manner provided for in the Cr.PC/ Bharatiya Nagarik Suraksha Sanhita read with the provisions contained in the PC Act.

8. The High Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot re-write the Cr.PC and direct all the Sessions Courts/Special Courts under the PC Act to examine the sanctioning authority even before framing of charge or commencement of trial.

9. In the above view of the matter, we set aside the guidelines and directions issued by the High Court in

paragraphs 32 and 33 of the impugned order dated 08.05.2020.

10. The Appeal, though infructuous upon acquittal of the accused, is allowed to the above extent in respect of paragraphs 32 and 33 of the impugned order dated 08.05.2020, by setting aside the same.

11. Pending application(s), if any, shall stand disposed of.

Criminal Appeal No(s). 2904-2905/2025

1. In view of the order passed in Criminal Appeal No(s). 2191-2192/2025, these Appeals also stand dismissed.

2. Pending application(s), if any, shall stand disposed of.

.....J.
[PRASHANT KUMAR MISHRA]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI;
June 10, 2026.