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WA-1973-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

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HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 21st OF AUGUST, 2026WRIT APPEAL No. 1973 of 2026*ASTIK SHUKLA AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Adwitya Parasher - Advocate for appellants.

Shri Piyush Jain - Government Advocate for respondents/State.

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ORDER

Per. Justice Anand Pathak

With consent, heard finally.

2. Present writ appeal is preferred under Section 2(1) of Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005 against the order dated 07.05.2026 passed in W.P. No.12292/2026 whereby writ appeal filed by petitioners (appellants herein) got dismissed.

3. Precisely stated facts of the case are that appellants are working as Constables/Head Constables in 6th Battalion, Special Armed Force (S.A.F.), Jabalpur. On 12.11.2025, State Finance Intelligence Cell (SFIC) issued a communication to the Collector, Jabalpur, pointing out massive financial irregularities in the processing of online Travel Allowance (TA) bills within the 6th Battalion DDO Code 1800204008.



4. It appears that the internal investigation conclusively established that the entire scam was masterminded, executed, and validated by one Satyam Sharma (ASI, posted as In-charge at TA Branch) and his assistant Abhishek Jharia (now deceased). These operators abused their access rights, fraudulently generated fraudulent electronic TA bills, obtained OTPs by keeping senior DDO officers in dark and directly routed funds into the salary accounts of 13 accomplished Constables, including the present appellants.

5. When the said mischief came to the knowledge of authorities, then Crime Branch was directed to investigate the matter and the department proceeded against miscreants and preliminary enquiry is on way.

6. However, when FIR was registered and Crime Branch was directed to investigate the matter, then as a matter of abundant caution, all accounts of those Constables were freezed, who were suspicious of handing over their accounts as mule accounts for routing the proceed of crime through their accounts, including the salary accounts. Since, these accounts were used as mule accounts and part of proceed of crime routed through these accounts, these accounts were freezed. Resultantly, salaries deposited in those accounts are also impliedly freezed. Now, appellants and other accomplice in crime are not able to withdraw the money for their subsistence.

7. Realizing the gravity of proceedings some of the Constables, whose accounts were used as mule accounts, deposited the amount which was routed through them. However, appellants are those persons who did not deposit, therefore, their accounts were freezed.

8. Appellants as writ petitioners filed writ petition seeking opening of



their accounts for transactions so that they may withdraw their salaries for subsistence because, in absence of salary, they are finding hard to make both the ends meet. Therefore, petition was preferred which got dismissed. Hence, petitioners are before this Court in appeal.

9. Learned counsel for appellants argued at length and submitted that for subsistence, accounts be opened and he undertakes that appellants shall not misuse the liberty and would confine their withdrawal to the extent of their salaries. Alternatively, they may be given facility of withdrawal of 50% of their salary for their subsistence.

10. Learned counsel for respondents/State has opposed the contentions and submits that Departmental Enquiry (DE) is started against appellants. Show-cause notice is issued, So far as criminal case is concerned, FIR is registered and Crime Branch is investigating the matter. Its a case of high level scam where criminal breach of trust, cheating and forgery is involved. Hundreds of TA bills, which were required to be paid to different employees, were not paid to them and routed through these accounts for personal gains. This is a serious nature of crime therefore SFIC, finding the case of such magnitude, referred to the Departmental Authorities for appropriate action. He prays for dismissal of appeal.

11. Heard learned counsel for both the parties and perused the documents available on record.

12. After considering the rival submissions and going through the nature of crime, it appears that it is a technology driven crime, allegedly committed by miscreants who are facing wrath of investigation.



Respondents, especially Police Department/S.A.F., are directed to take deep prob into this scam so that culprits may not be saved and such nature of crime may not be repeated in future in Government Departments. Therefore, respondents are expected to be vigilant and pro-active so far as criminal case and DE both are concerned. No miscreant should be spared.

13. So far as submission of counsel for appellants for subsistence is concerned, it is an area which requires consideration for the reason that in absence of salary or part of it, families of appellants may suffer because of their mis-deeds/misadventure, if any. Therefore, in the considered opinion of this Court, appellants may withdraw 50% of their salary amount from their freezed accounts for their subsistence and not beyond that. In other words, if appellants are receiving Rs.100/- as total salary then they will only be entitled to withdraw Rs.50/- from such salary amount. No other amount shall be permitted to be withdrawn from the said account till the investigation/trial is over or till any competent Court of law takes decision in this regard.

14. It is made clear that in case of any misuse of this liberty is found by this Court, then this equitable relief may be withdrawn on the compliant, if any, made by the respondents.

15. Needless to say that all appellants shall participate in the departmental proceedings without delay as well as in criminal case by co-operating in investigation and trial, if required. This is an equitable relief and may not hamper or prejudice any departmental/criminal proceeding in any manner.



16. With the aforesaid, appeal stands partly **allowed** and **disposed of** and the impugned order stands modified to this extent.

(ANAND PATHAK)
JUDGE

(B. P. SHARMA)
JUDGE

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