RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 6/2026

CNR: RJHC021123962025 | URN: CRLR / 7U / 2026

Madan Gopal Sharma S/o Omdutt Sharma, Aged About 67 Years, R/o House No. D/100, Christianganj, Ajmer

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

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Connected With

S.B. Criminal Revision Petition No. 108/2026

CNR: RJHC020047472026 | URN: CRLR / 193U / 2026

Mahaveer Singh S/o (Late) Shri Ram Chandra Singh, Aged About 77 Years, R/o A-3, Motilal Atal Road. Near Ganpati Plaza, Jaipur (Raj.). (Erstwhile Zonal Chief Engineer (Civil), Rajasthan Rajya Vidhyut Prasaran Nigam Ltd., Jaipur (Raj.).

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

S.B. Criminal Revision Petition No. 109/2026

CNR: RJHC020047382026 | URN: CRLR / 194U / 2026

P.K. Mittal Alias Pramod Kumar Mittal S/o (Late) Shri Kunwar Prakash Mittal, Aged About 72 Years, R/o C-93 (II), Nityanand Nagar. Gandhi Path, Queens Road Jaipur (Raj.) (Erstwhile Assistant Engineer (Civil), Rajasthan Rajya Vidhyut Prasaran Nigam Ltd., Jaipur (Raj.).

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

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S.B. Criminal Revision Petition No. 110/2026

CNR: RJHC020033412026 | URN: CRLR / 196U / 2026

Vishnu Prasad Maharwal S/o Bhagwan Sahai, R/o 60, Ratannagar, Dehar Ka Balaji, Jaipur.

----Petitioner

Versus

1 State Of Rajasthan, Through P.P.

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2 Mahaveer Singh S/o Ramchandra Singh, R/o A/3, Motilal Atal Road, Jaipur. Recently Retd. Deputy Chief Engineer (Civil) Rajasthan Rajya Vidyut Prasaran Nigam Limited, Jaipur.

3. P.K. Mittal @ Promod Kumar Mittal S/o Kunwar Prakash Mittal, R/o S-93, Second, Nityanand Nagar, Gandhipath, Quince Road, Jaipur, Recently Retd. Assistant Engineer (Civil) Rajasthan Rajya Vidyut Prasaran Nigam Limited, Jaipur.

4. Madan Gopal Sharma S/o Omdutt Sharma, R/o H.N. K/100, Kishchynganj, Ajmer, Recently Retd. Junior Engineer (Civil) Rajasthan Rajya Vidyut Prasaran Nigam Limited, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Sahaj Veer Baweja, Adv. Mr. Anurag Sharma, Adv. Mr. Divyesh Maheshwari, Adv. Mr. Harsh Vardhan Katara, Adv. Mr. Ghanshyam Gaur, Adv. Mr. Akshat Sharma, Adv. Mr. Anoop Meena, Adv.
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

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1. **Date of conclusion of arguments** **30/10/2026**
2. **Date on which the judgment was reserved** **30/10/2026**
3. **Whether the full judgment or only the operative part is pronounced** **Full Order**
4. **Date of pronouncement** **20/11/2026**

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1. By way of these revision petitions preferred under Sections 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the revisionist-petitioners have assailed the order dated 15.11.2025, whereby the learned Special Judge, Prevention of Corruption Act Cases No.1, Jaipur Metropolitan-II, Jaipur[1], in Special Sessions Case No.10/2023, rejected the applications preferred by the accused-petitioners under Section 239 of the Code of Criminal Procedure, 1973, seeking their discharge from the offences punishable under Sections 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988[2] and Sections 420, 511 and 120-B of the Indian Penal Code, 1860[3] and proceeded with the framing of charges against them.

2. Since all these four criminal revision petitions arise out of the same criminal proceedings and challenge the common order, involving identical questions of fact and law, the same are being decided together by this common order. For the sake of convenience, the facts are being taken from S.B. Criminal Revision Petition No.6/2026.

3. Briefly stated, the prosecution case is that an inquiry was initiated by the Anti-Corruption Bureau into alleged irregularities in the execution of construction work at 400 KV GSS, Gegal,

1 Hereinafter referred to as 'Trial Court.'
2 For short, 'Act of 1988.'
3 For short, 'IPC.'

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Ajmer and a tender notice bearing No.06/2009-10 was issued for construction of a retaining wall and allied works at an estimated cost of Rs.38,00,000/- and pursuant thereto, a work order for Rs.49,55,069/- was issued in favour of M/s Padmavati Construction, a proprietorship concern of petitioner Vishnu Prasad Maharwal. The principal allegation is that the retaining wall had already been substantially constructed prior to issuance of the work order and that the tender process, measurement book entries and running bills were manipulated to facilitate payment of Rs.21,58,079/- to the contractor, thereby causing wrongful loss to the State exchequer and corresponding wrongful gain to the accused persons.

4. Learned counsel for the petitioners submits that the prosecution case proceeds on a fundamental misconception by treating the existing boundary wall as the retaining wall covered under the subsequent tender. It is contended that both were separate structures, having different purposes and locations and that several independent civil works were being executed at the same site under different tenders. The initial inspection reports dated 10.09.2009 and 18.09.2009 merely refer to an existing boundary wall and do not identify any retaining wall. The inspections were conducted by police officers without assistance of any technical expert and without preparing any site map or technical measurements.

4.1. Learned counsel further submits that the work order for the retaining wall was issued on 18.09.2009 and the work commenced on 19.09.2009 and the investigating agency's own notesheet

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dated 17.11.2014 had indicated the necessity of examining the earlier Tender No.21/2008-09 to ascertain the nature of the work noticed during the initial inspections, however, the said exercise was never undertaken. It is also submitted that the PWD Technical Committee report dated 08.05.2018 found the work satisfactory and its physical and financial verification to be correct. The site inspection report dated 27.11.2009 also depicts the existing boundary wall separately from a trench constructed parallel to it, which, according to the petitioners, represented the retaining wall.

4.2. It is also submitted petitioner- Madan Gopal Sharma was merely a Junior Engineer and had no authority in the tendering or approval process, his role was confined to recording measurements in Measurement Book No.1444, which were subsequently verified by superior officers. The other petitioners were associated with the departmental tender process and approval, whereas the contractor was concerned with execution of the work. It is argued that no specific material establishes any dishonest intention, false measurement or agreement amongst the accused persons to commit an illegal act. The alleged difference between the estimated cost and the tender amount, by itself, cannot constitute criminal misconduct. In this regard, reliance has been placed upon **Union of India v. Prafulla Kumar Samal**[4] and **Robert Laldhangliana Chongthu @ R.L. Chongthu v. State of Bihar**.[5]

5. Per contra, learned Public Prosecutor submits that the inspection reports prepared prior to issuance of the work order,

4 (1979) 3 SCC 4.
5 2025 INSC 1339.

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the entries in Measurement Book No.1444, the difference between the estimated cost and the awarded amount and the subsequent payment to the contractor, discloses sufficient material indicating manipulation of the tender process. It is contended that whether the structure was a boundary wall or a retaining wall and whether the work was executed under an earlier tender are matters of evidence which cannot be conclusively determined at the stage of framing of charge. The departmental technical committee report is also not conclusive or binding upon the criminal court. Accordingly, dismissal of the revision petitions is sought.

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6. Heard learned counsel for the parties and perused the material available on record, including the impugned order and the written submissions.

7. Before adverting to the factual aspects of the present case, it would be apposite to first examine the settled legal position governing the consideration of an application for discharge and the scope of interference by this Court in exercise of its revisional jurisdiction against an order framing charges.

8. It is trite law that, at the stage of framing of charges, the Court is required to examine whether the material collected during investigation, if taken at its face value, discloses sufficient grounds for presuming that the accused has committed the alleged offences and at this stage, the Court is neither required to undertake a meticulous appreciation of evidence nor to ascertain whether the material on record would ultimately result in conviction.

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8.1. In this regard, reference may be made to the judgment passed in the case of **State of Gujarat v. Dilipsinh Kishorsinh Rao**[6] wherein, while considering an application for discharge, the Court has held as under:-

> "**10**. It is settled principle of law that **at the stage of considering an application for discharge the court must proceed on an assumption that the material which has been brought on record by the prosecution is true and evaluate said material in order to determine whether the facts emerging from the material taken on its face value**, disclose the existence of the ingredients necessary of the offence alleged. This Court in State of **Tamil Nadu Vs. N. Suresh Rajan And Others (2014) 11 SCC 709** adverting to the earlier propositions of law laid down on this subject has held:
>
> > "29. We have bestowed our consideration to the rival submissions and the submissions made by Mr. Ranjit Kumar commend us. True it is that at the time of consideration of the applications for discharge, the court cannot act as a mouthpiece of the prosecution or act as a post office and may sift evidence in order to find out whether or not the allegations made are groundless so as to pass an order of discharge. **It is trite that at the stage of consideration of an application for discharge, the court has to proceed with an assumption that the materials brought on record by the prosecution are true and evaluate the said materials and documents with a view to find out whether the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction**. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. **To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge**; though for conviction, the court has to come to the conclusion that the accused has committed the offence. **The law does not permit a mini trial at this stage**.

6 2023 INSC 894.

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11. **The defence of the accused is not to be looked into at the stage when the accused seeks to be discharged**. The expression "the record of the case" used in Section 227 Cr.P.C. is to be understood as the documents and articles, if any, produced by the prosecution. **The Code does not give any right to the accused to produce any document at the stage of framing of the charge. The submission of the accused is to be confined to the material produced by the investigating agency**.

12. **The primary consideration at the stage of framing of charge is the test of existence of a prima-facie case, and at this stage, the probative value of materials on record need not be gone into**. This Court by referring to its earlier decisions in the **State of Maharashtra Vs. Som Nath Thapa (1996) 4 SCC 659** and **the State of MP Vs. Mohan Lal Soni (2000) 6 SCC 338** has held the nature of evaluation to be made by the court at the stage of framing of the charge is to test the existence of prima-facie case. It is also held at the stage of framing of charge, the court has to form a presumptive opinion to the existence of factual ingredients constituting the offence alleged and it is not expected to go deep into probative value of the material on record and to check whether the material on record would certainly lead to conviction at the conclusion of trial.

15. **The revisional court cannot sit as an appellate court and start appreciating the evidence by finding out inconsistency in the statement of witnesses and it is not legally permissible. The High Courts ought to be cognizant of the fact that trial court was dealing with an application for discharge.**"

(Emphasis supplied)

8.2. The revisional jurisdiction of the High Court under Section 397 Cr.P.C. empowers it to call for and examine the record of any proceeding before an inferior Court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order passed therein and the regularity of the proceedings. The object of this provision is to ensure that no patent illegality, jurisdictional error, error of law or perversity remains uncorrected in the proceedings of the subordinate Court.

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8.3. In this regard, it would be apposite to refer to the judgment of the Hon'ble Supreme Court in **K. Ravi v. State of Tamil Nadu & Anr**.[7] wherein the scope and ambit of revisional jurisdiction under Section 397 Cr.P.C. have been succinctly explained as under:

> "**9**. At this juncture, it would be apt to refer to the observations made by this Court in **Amit Kapoor vs. Ramesh Chander and Another, (2012) 9 SCC 460**, explaining the scope of Section 397 Cr.P.C. It was held that -
>
> > "12. Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. **The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error and it may not be appropriate for the court to scrutinise the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law**. If one looks into the various judgments of this Court, **it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely**. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits.
> >
> > 13. Another well-accepted norm is that the **revisional jurisdiction of the higher court is a very limited one and cannot be exercised in a routine manner**. One of the inbuilt restrictions is that it should not be against an interim or interlocutory order. **The Court has to keep in mind that the exercise of revisional jurisdiction itself should not lead to injustice ex facie. Where the Court is dealing with the question as to whether the charge has been framed properly and in accordance with law in a given case, it may be reluctant to interfere in exercise of its revisional jurisdiction unless the case substantially falls within the categories aforestated**. Even framing of charge is a much advanced stage in the proceedings under the CrPC."

7 2024 INSC 642.

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> **10**. **Thus, the scope of interference and exercise of jurisdiction under Section 397 Cr.P.C. is extremely limited**. Apart from the fact that subsection 2 of Section 397 prohibits the Court from exercising the powers of Revision, even the powers under sub-section 1 thereof should be exercised very sparingly and **only where the decision under challenge is grossly erroneous, or there is non-compliance of the provisions of law, or the finding recorded by the trial court is based on no evidence, or material evidence is ignored or judicial discretion is exercised arbitrarily or perversely by framing the charge**…"
>
> (Emphasis supplied)

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9. Now, adverting to the factual aspects of the case, the controversy primarily revolved around the identity of the structure noticed during the initial inspections. The material collected during investigation indicates that, at the time of inspection, a wall was already in existence at the site and that the same appeared to be freshly constructed. The contention advanced on behalf of the petitioners that the said structure was a boundary wall and not the retaining wall subsequently covered under the tender involves examination of the nature, location, purpose and specifications of the construction and at this juncture, this Court is not required to conclusively determine whether the structure in question was a boundary wall or a retaining wall, as the same is essentially a question of fact requiring appreciation of the relevant evidence during the course of trial.

9.1. Furthermore, the contention that several other construction activities were simultaneously in progress at the site and that the wall noticed during inspection might have formed part of some other work does not inspire confidence at this stage. The petitioners have failed to substantiate the said contention by placing any specific material on record to indicate that the freshly

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constructed wall noticed during inspection was attributable to any work other than the work subsequently put to tender and mere assertion that other construction activities were also being undertaken at the site, in the absence of any material connecting the wall in question with such activities, would not be sufficient to displace the circumstances emerging from the material collected during investigation.

9.2. At this stage, the material available on record prima facie indicates the existence of a freshly constructed wall at the site at the time of inspection and whether the said structure formed part of an earlier work or constituted the very work subsequently put to tender is a matter which would require examination by the learned Trial Court upon appreciation of the evidence during the course of trial and any conclusive determination of these disputed factual aspects at this stage would amount to conducting a mini-trial, which is impermissible while considering the question of discharge.

10. In view of the aforesaid discussion and upon consideration of the material collected during investigation, this Court finds that the circumstances emerging from the initial inspection, particularly the existence of a freshly constructed wall at the site, disclose a prima facie case warranting further examination during trial. The disputed questions of fact, including the nature of the structure and its connection with the work subsequently put to tender are matters which are appropriately left to be determined by the learned Trial Court upon appreciation of evidence during the course of trial.

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11. Consequently, this Court is of the considered opinion that the learned Trial Court has not committed any patent illegality, perversity or jurisdictional error in rejecting the applications for discharge and proceeding to frame charges against the petitioners and the impugned order dated 15.11.2025, passed by the learned Special Judge, Prevention of Corruption Act Cases No.1, Jaipur Metropolitan-II, Jaipur in Special Sessions Case No.10/2023, does not suffer from any infirmity warranting interference by this Court in exercise of its limited revisional jurisdiction.

12. Accordingly, the present batch of revision petitions, being devoid of any merit, is hereby **dismissed**.

13. However, the petitioners shall be at liberty to raise all permissible factual and legal defenses before the learned Trial Court, which shall adjudicate the matter independently, in accordance with law and uninfluenced by any observations made herein.

(PRAVEER BHATNAGAR),J

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