



RAJASTHAN HIGH COURT
**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Revision Petition No. 1386/2025
CNR: RJHC010974182025 | URN: CRLR / 3289U / 2025

Ramesh Chandra S/o Bheem Raj Ranka, Aged About 50 Years,
Resident Of Ranka Bhawan Main Road Kankroli Rajsamand
-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor
-----Respondent

Connected With

S.B. Criminal Revision Petition No. 1347/2025
CNR: RJHC010944532025 | URN: CRLR / 3232U / 2025

Bheem Raj Ranka S/o Chunni Lal Ranka, Aged About 82 Years,
Pipali Acharyan Tehsil And District Rajasamand
-----Petitioner

Versus

State Of Rajasthan, Through PP
-----Respondent

For Petitioner(s) : Mr. Rohin Bhansali
Mr. Mohammed Amaan
For Respondent(s) : Mr. N.S. Chandawat, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

Reportable
16/09/2026

1	Date of conclusion of arguments	14.09.2026
2	Date on which the order was reserved	14.09.2026
3	Whether the full order or only the operative part is pronounced	Full order
4	Date of pronouncement	16.09.2026



1. These two criminal revision petitions were preferred by petitioners-accused aggrieved from order dated 05.08.2025 in Sessions Case No.99/2025 (CIS 99/2025) passed by learned Special Judge, Prevention of Corruption Act Cases, Rajsamand whereby learned trial Court has directed to frame charge against these petitioners-accused and other individuals under Sections 13(1)(D) and 13(2) of the Prevention of Corruption Act, 1988 and Sections 420, 467, 468, 471 and 120-B of IPC.

2. That learned counsel for the petitioners while placing reliance upon grounds of revision petitions, have submitted that without any specific role and averment about the specific act, a charge-sheet is filed by Anti-Corruption Bureau (ACB) and the Special Court without application of mind has framed the charges, that too without assigning any specific role of petitioners.

3. He also submitted that petitioner-accused Ramesh Chandra was working as Member of Panchayat Samiti at relevant time, though, he is a practicing Advocate by profession and without any allegation about the embezzlement of public money, the petitioner has been charged. He also referred the role of Ramesh Chandra as mentioned in the charge-sheet and submitted that the amount allegedly received by the petitioners is very meagre amount, though same was never credited to account of Ramesh Chandra, but despite no evidence against the petitioner, the petitioner was charge-sheeted and the trial Court without application of mind, has framed charges against Ramesh Chandra.



4. Learned counsel has further referred role and involvement of Bheem Raj Ranka and submitted that he was only added only in capacity as Member of Panchayat Samiti at relevant time, though, he was also a practicing Advocate. He also submitted that there is no direct allegation about any fabrication or forgery of any document, but the petitioner has been charged for committing offence under Sections 467, 468 and 471 of IPC. He also submitted that the allegations in charge-sheet are general and omnibus in nature and they are without any specific evidence. He submitted that unless there is any evidence to establish the charge and direct connect of petitioners, the petitioners cannot be charged either under the Prevention of Corruption Act or under the IPC.

5. Aforesaid contentions were opposed by learned Public Prosecutor and he submitted that at the stage of charge, the veracity of the allegations cannot be examined.

6. Heard learned counsel for the petitioners and learned Public Prosecutor and perused the material placed on record.

7. The material on record indicate that after registration of a P.E. No.138/2000, the Anti-Corruption Bureau (ACB) has enquired into allegation of embezzlement and corruption in implementation of Integrated Rural Development Schemes to elevate individuals from poverty line. The scheme was implemented with the help of public representatives of District Rural Development Agency (DRDA) and the Udaipur Central Cooperative Bank Ltd. During enquiry, the Anti-Corruption Bureau has examined the



transactions relating to Kshem Gram Seva Sehkari Samiti Limited Pipali Acharyan Bank Branch Kankroli, Kharnota Gram Seva Sehkari Samiti Limited Kharnota Bank Branch Kankroli, Paner Gram Seva Sehkari Samiti Limited Bank Branch Gogunda, Barar Gram Seva Sehkari Samiti Limited Barar Bank Branch Bhim, Gram Seva Sehkari Samiti Bhim Khas, Gram Seva Sehkari Samiti Badgaon, Dandiyo Ka Guda Gram Seva Sehkari Samiti Limited Dangiyo Ka Guda Bank Branch Girwa, Gram Seva Sehkari Samiti Limited Itali Khera Bank Branch Salumbar. During enquiry, the ACB has collected evidence about preparation of forged vouchers so as to draw money and further embezzlement of Government funds. It was found that there was lack of verification process. The ACB has specified role and involvement of individuals who were involved in said transactions. The petitioners are working as Members of Panchayat Samiti at relevant time, wherein the Schemes were operational.

8. On basis of enquiry report, FIR No.331/2006 dated 07.12.2006 was registered at Police Station CPS, ACB Jaipur and after investigation, a charge-sheet is filed. Learned trial Court after considering arguments of charge, has directed to frame charges against these petitioners-acused and other individuals.

9. A written submission placed on record and submitted to the trial Court indicate that the petitioners have claimed discharge under Section 227 of Cr.P.C. while placing reliance upon judgments in case of ***Dilawar Balu Kurane v. State of Maharashtra reported in 2002 (2) SCC 135*** and also ***Omprakash and Ors.***



Vs. State of Rajasthan reported in 2012 Crlr (Raj.) 535, and we have considered these judgments.

10. The principles of law at the stage of charge were considered by Hon'ble Supreme Court in case of ***State of Bihar Vs. Ramesh Singh : (1977) 4 SCC 39*** and ***Union of India Vs. Prafulla Kumar Samal & Anr. :(1979) 3 SCC 4*** and were referred and relied in case of ***P. Vijayan Vs. State of Kerala & Anr.: (2010) 2 SCC 398***. It was held that at the initial stage, if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is not in the sense of the law governing the trial of criminal cases in France where the accused is presumed to be guilty unless the contrary is proved. But it is only for the purpose of deciding prima facie whether the Court should proceed with the trial or not. The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application.

11. Again in case of ***State By Karnataka Lokayukta Police Station, Bengaluru Vs. M. R. Hiremath: (2019) 7 SCC 515***, Hon'ble Supreme Court while considering several judgments on the issue in a matter relating to the Prevention of Corruption Act, 1988, has held that the trial court while dealing with an application for discharge at the stage of framing of charge must



proceed on the assumption that the material which has been brought on the record by the prosecution is true and evaluate the material in order to determine whether the facts emerging from the material, taken on its face value, disclose the existence of the ingredients necessary to constitute the 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.

12. A similar opinion was also expressed in case of ***State of Rajasthan Vs. Ashok Kumar Kashyap: (2021) 11 SCC 191*** and relied upon in case of ***Captain Manjit Singh Virdi (Retd.) vs. Hussain Wherem Mohammed Shattaf (2023 INSC 555)***, wherein it was held that at the stage of framing of charge and/or considering discharge application, a mini trial is not permissible. A defence on merits is not to be considered at the stage of framing of charge and / or at the stage of discharge application.

13. In case of ***Dilawar Balu Kurane (Supra)***, Hon'ble Supreme Court has placed reliance upon judgments in case of ***Union of India Vs. Prafulla Kumar Samal and Anr. (Supra)*** and has held that the Judge while considering the question of framing the charge has power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out; whether the material placed before the Court discloses a grave suspicion against the accused which has not been briefly explained, then the Court will be fully justified in framing a charge and proceed with trial, but if the



views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, then he is fully justified in discharge.

14. In subsequent judgment in case of ***State of Rajasthan Vs. Ashok Kumar Kashyap (Supra)***, Honble Supreme Court has clarified the scope of Section 227 and 239 of Cr.P.C. and emphasized that neither roving enquiry nor mini trial is permissible at the stage of charge. In case of ***Sajjan Kumar Vs. CBI reported in (2010) 9 SCC 368***, Hon'ble Supreme Court has held that at the time of framing of charge, the Court has to look at all the material placed before it and determine whether a prima facie case is made out or not, but the Court is not required to consider the evidentiary value of the evidence, as question of admissibility or reliability of evidence is a matter of trial.

15. Hon'ble Supreme Court in case of ***Asim Shariff Vs. NIA reported (2019) 7 SCC 148***, ***Vikram Johar Vs. State of U.P. reported in (2019) SCC Online SC 609***, ***Bhawna Bai Vs. Ghanshyam reported in (2020) 2 SCC 217***, ***M.E. Shivalingamurthy V. Central Bureau Of Investigation reported in (2020) 2 SCC 768*** and ***Kanchan Kumar vs. State of Bihar (2022) 9 SCC 577***, has considered the principle regarding framing of charge and also discharge under Section 227 and 239 of Cr.P.C. A Court is not required to determine whether the evidence placed on record will result in recording acquittal or conviction, if a particular charge is framed against the accused.



16. The scope of Section 397 and 482 of Cr.P.C. was considered by Hon'ble Supreme Court in case of ***Amit Kapoor Vs. Ramesh Chander reported in (2012) 9 SCC 460*** and ***Manendra Prasad Tiwari v. Amit Kumar Tiwari and Another reported in (2022) SCC online SC 1057***. Section 397 Cr.P.C. vests the Court with the power to call for and examine the record of Sub-Ordinate Court for the purpose of satisfying itself as to legality and regularity of any proceeding or order passed in a case. The object of the provision is to set right a patent defect or an error of jurisdiction of law and the perversity which has crept in the proceedings.

17. Having considered the principle of law as referred hereinabove, the material on record clearly indicate that the role and involvement of these petitioners were evaluated during investigation and after recording the statement of witnesses and collecting the material, the ACB has drawn a charge-sheet against these petitioners.

18. At the stage of charge, it is not expected from the trial Court to examine the veracity of the material forwarded by the prosecution agency and draw a conclusion on the basis of any specific defense of the accused. The only requirement from the trial Court is to apply its own mind and consider the material forwarded by the prosecuting agency and draw a conclusion where same is sufficient to frame any charge or ingredient of a specific offence is made out or not. In case the ingredients are not met, the trial Court is at liberty to exercise authority under Section 227



and 239 of Cr.P.C., but it cannot examine the veracity or truthfulness of the evidence or statement of any witness recorded during course of investigation.

19. Having considered the entire material as placed on record and the impugned order, I am of considered view that these petitioners were charged for all acts with aid of Section 120-B of IPC, therefore, looking to the vicarious liability as Member of Panchayat Samiti, the petitioners were charged on the basis of material collected during investigation. Their involvement is referred in the material forwarded by the ACB. There is no perversity or illegality in the order passed by the trial Court, thus, this Court cannot enlarge scope under Section 397 and 401 of Cr.P.C. to travel beyond settled law, hence, these revision petitions are liable to be dismissed.

20. Accordingly, both the revision petitions are hereby dismissed.

21. Pending application(s), if any, also stand disposed of.

(ASHOK KUMAR JAIN),J

186/Govind singh Kaviya

