



2024:CGHC:39627

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 138 of 2021

Reserved on 1-8-2024.

Passed on 07-10-2024

•Sunil Kumar Mall S/o Late Shyam Sunder Mall Aged About 52 Years R/o 8/2
Landon Street, Kolkata 700017 (West Bengal ... **Applicant**

versus

1. Central Bureau Of Investigation Constituted Under The Delhi Special
Police Establishment Act, 1946 Through Superintendent Of Police C B I / E O
U Iii, 3rd Floor, C B I Headquarters, 5- B Lodhi Road, New Delhi 110003

2. State Of Chhattisgarh Through Its Secretary, Ministry Of Home Affairs,
Secretariat, Mahanadi Bhawan, Capital Complex, Naya Raipur, District
Raipur Chhattisgarh

... Respondents

For Petitioner : Mr. B.P. Sharma, Mr. Vaibhav Tiwari and
Ms. Anuja Sharma, Advocates.

For Respondent No.1 : Mr. Vaibhav A. Goverdhan, Advocate.

For respondent No.2/State : Mr. U.K.S. Chandel, Dy. Advocate
General.

(Hon'ble Mr. Justice Narendra Kumar Vyas)

C A V Order

1. The applicant has filed this Criminal Revision under Section 397 of the Code of Criminal Procedure 1973 against the order dated 1-2-2021 (Annexure P/1) passed by the Special Judge of Special Court for trial of CBI cases, Raipur (CG), in Special Case No. 53 of 2012 whereby the application filed by the applicant under Section 6 of the Delhi Special Police Establishment Act, 1946(for short, DSPE Act, 1946”) for discharge of the accused for offence punishable under Sections 120-B & 420 of IPC and Section 13(1)(d) read with Section 13 (2) of the Prevention of Corruption Act, 1988, has been rejected and the learned Special Court has fixed the matter for prosecution evidence on 08.03.2021.
2. The brief facts as reflected from the record are that the final report was registered on 30-7-2012 against the applicant and other accused persons for offence punishable under Sections 120-B & 420 of IPC and Section 13(1)(d) read with Section 13 (2) of the Prevention of Corruption Act, 1988 wherein it has been alleged that the case is registered on the basis of source information received against Shri Surendera Singhai, the then Regional Chief, HUDCO, Raipur wherein it has been mentioned that while working as Regional Chief, HUDCO Raipur, he entered into criminal conspiracy with Shri Sunil Mall, the Directors of M/s. Sunil Ispat & Power Ltd., registered office Crescent Tower, 6th floor, 229, ACJ Bose Road, Kolkata and plant sight at Village- Cheraipani, Raigarh with a view to cause undue pecuniary gain to themselves by causing undue pecuniary loss to HUDCO and in pursuance of criminal conspiracy, the amount of Rs. 24.50 crore was

sanctioned by HUDCO Board at New Delhi to the company wherein the petitioner was director to stall a captive power plant (CPP) but the said CPP is not commenced at all. Accordingly, after investigation charge-sheet dated 31.12.2012 was submitted before the Special Judge, Raipur. It is also case of the prosecution that the loan was sanctioned by HUDCO Board, New Delhi in its meeting held on 31.08.2006 without following the due process of law. It is also case of the prosecution that M/s SIPL submitted fresh application for loan of Rs. 25.50 crore on 20.02.2006 to HUDCO Kolkata for HUDCO Captive Power Plant and the committee so constituted has inspected the site on 22.03.2006 and thereafter the project appraisal committee in its meeting held on 28.03.2006 has considered the report and thereafter the Board has sanctioned Rs. 24.50 crores in its 398th Meeting of the Board on 31.03.2014.

3. The applicant has moved an application for discharge of the accused on 26-2-2020 mainly contended that the CBI has been constituted under Section 6 of the Delhi Police Establishment Act, 1946 (for short, "the Act, 1946") and from perusal of Section 6 of the Act, it is clear that any member of the DSPE ie., CBI cannot exercise its power and jurisdiction in the State of Chhattisgarh without prior consent from the Government of the Chhattisgarh. It is further contended that the State of Chhattisgarh vide a letter bearing No. 695/Home/2001 dated 3-2-2001 for the first time gave its consent to DPSE under Section 6 of the Act. Thereafter, vide notification No. F-4-164/HC/2002 dated 19-7-2012 it is clarified by the State that the letter dated 3-2-2001 was not

a consent letter as the same was issued without obtaining approval of the competent authority as required by law and notification further states that consent to DPSE/CBI for investigation would only be given on a case to case basis. Subsequently, vide notification No.F-4/164./HC/2012 dated 19-7-2012 the State of Chhattisgarh gave DPSE/CBI blanket consent under Section 6 for investigation of offences committed by the employees of the Central Government, Central PSUs and persons connected with the affairs of the UOI within the State and take consent on case to case basis in other matters, which was yet again withdrawn by the Government of Chhattisgarh on 10-1-2019. It has been further contended that no specific consent from the State of Chhattisgarh as required by law was procured by the DSPE/CBI to investigate into the present case within the territory of Chhattisgarh and henceforth no such document has been presented before the Hon'ble Court along with the charge sheet. It has been further contended that the place of occurrence has been mentioned to be Raipur (CG) and Kolkata and without consent, no investigation could have been conducted by CBI in any area of State of Chhattisgarh. As such, it has been prayed for quashing of entire proceedings.

4. On the other hand, respondent/CBI has filed its reply before the Special Judge, CBI Raipur mainly contending that M/s. Sunil Ispat & Power Limited (M/s. SIPL), registered office at Crescent Tower, 6th Floor, 229, ACJ Bose Road, Kolkata and plant site at village Cheraipani, PC No. 15, RIC, District Raigari-01, Chhattisgarh and

others with a view to cause undue pecuniary gain to themselves and undue pecuniary loss to HUDCO and got sanctioned amount of Rs.24.50 crores which was disbursed by the HUDCO Board to M/s. Sunil Ispat & Power Ltd., for setting up a captive power plant (CPP), at village Cheraipani, District Raigarh, Chhattisgarh in the year 2007 knowing fully aware that the CPP for which the loan was sanctioned had not been commenced at all. It has been further contended that M/s SIPL Kolkata vide its letter dated 20-2-2006 submitted fresh application to Kolkata Regional Office along with necessary documents for sanction of Rs.25.50 crores for their captive power plant at Raigarh. M/s. SIPL, Kolkata vide its letter dated 21-2-2006 has sent the entire documents to Executive Director (Operations), Head Office, Delhi as the scheme was beyond the sanction power of Regional Office, Kolkata as per Master circular dated 7-4-2005 and same has been sanctioned by the Board Members of HUDCO on 31-3-2006 in its 398th Board meeting. Thus the FIR was registered at New Delhi by the prosecution. It is further contended that the State of Chhattisgarh has given consent for the first time to DPSE under Section 6 of the Act, 1946. However, by subsequent Notification No. F-4-164/HC/2002 dated 19-7-2012 it is clarified by the State that the letter dated 3-2-2001 was not a consent letter as the same was issued without obtaining approval of the competent authority as required by law and notification further states that consent to DPSE/CBI for investigation would only be given on a case to case basis. It has been further contended that the Government of West

Bengal, Kolkata vide notification No. GO/No 6845-PL/PWE/2A-10/88 dated 2-8-1989 had accorded the consent to all the members of DSPE to exercise the powers and jurisdiction under the said Act in the State of West Bengal though the same was subsequently withdrawn by the State of West Bengal vide notification No. 450/HS/PA/18 dated 16-11-2018 and the FIR has been registered at New Delhi and accordingly no sanction from the State Government is required by the CBI. It has been further contended that Hon'ble Division Bench of this Court in **B.L. Agrawal vs. CBI and others (WPCR No 75 of 2017) dated 19-12-2019** as well as by High Court of Delhi in **Anand Agrawal vs. UOI (WPCR No 791 of 2018) dated 8-10-2018** has already decided the issue wherein it has been held that the criminal conspiracy is a continuing offence and merely because some of the acts of criminal conspiracy were performed by the accused in the State of Chhattisgarh, for that CBI has no necessity to seek prior permission of that State Government. Thus, it has been stated that the application submitted by the applicant be rejected. Learned Special Judge, vide impugned order dated 1-2-2021 has rejected the application.

5. Being aggrieved with this order, the applicant has preferred the instant criminal revision reiterating the same contention and would submit that as per Rules 19 of part IV of Rules of Business of the Executive Government of Chhattisgarh made by the Governor of Chhattisgarh in exercise of the powers conferred by Clause (2)(3) of Article 166 of the Constitution of India and therefore, it is necessary that the State

Government to clarify the position herein above. Therefore, the State Government has clarified that the said letter No 695/Home/2001, dated 3-2-2001 is not to be construed or treated as a letter of consent under Section 6 of the DSPE Act, 1946 and further directs that the consent of the State Government of Chhattisgarh for extending jurisdiction to the DSPE under Section 6 of the Act shall continue to be given only on the merits of each case ie., on case to case basis. It has been further contended that in the present case, final report has been submitted on 30-7-2012, therefore, as per notification dated 19-7-2012 it is incumbent upon the CBI to seek permission from the State for allowing them to submit charge-sheet before the Special Judge, Raipur. Thus, filing of the charge sheet before this court is without jurisdiction and registration of FIR was also bad in law. He would further submit that the State Government be kindly directed to place on record the relevant documents, particularly the order of permission to prosecute the applicant. It has been further contended that as per Section 13 of the Cr.P.C. jurisdiction of the criminal courts in inquiries and trials in respect of the act done is either the Police Station situated in Raigarh or Raipur taking away the exclusive jurisdiction from the State Police and for conferring jurisdiction to respondent No.1, the procedure engrafted under Sections 5 & 6 of the Act, 1948 is required to be followed strictly as the law is well settled that when a thing is required to be done in particular, it should be done in that manner only. It has been further contended that the proceeding initiated before the Sessions Judge is in violation of

Section 6 of the Act, 1948, thus he would pray for quashing of the impugned order as well as the entire charge sheets and criminal case.

6. On the other hand, learned State counsel has filed its reply and stated that as far as the issue regarding grant of any sanction is concerned, neither any proposal in this regard was received from the CBI nor any permission has been granted by the State. From the averments made in the criminal revision it is clear that the present dispute is between the applicant and CBI and the State has unnecessarily been impleaded as party in the instant petition, thus he would submit that the criminal revision may be dismissed.
7. Learned counsel for CBI has reiterated their submission in the reply to the revision petition and narrated how the offence was initiated at Kolkata by sending the proposal to the HUDCO, New Delhi and thereafter, the HUDCO Delhi sanctioned the loan in the year 2006. It has also been submitted that vide memo dated 25-8-2006 Kolkata Regional Officer, transferred the file to Raipur Regional Office (HUDCO) on 16-6-2007 for further necessary action. The Government of West Bengal, Kolkata on 2-8-1089 had accorded the consent to all the members of Delhi Special Police Establishment to exercise the powers and jurisdiction under the said Act in respect of Central Government, as such when the loan has been sanctioned at New Delhi, therefore, no permission from State of Chhattisgarh is required and would pray for dismissal of the criminal revision. To substantiate his submission, he has referred to the judgment of Honble Supreme Court in **Kanwal Tanuj vs. State of Bihar, reported in AIR**

2020 SC 2023 and judgment of Hon'ble Delhi HighCourt in Aanand Agrawal vs. Union of India and others (WP No 791 of 2018).

8. Mr. B.P. Sharma, learned counsel for the applicant would further submit that sub Section (1) of Section 5 of the Act, 1946, would reveal that Central Government may by order dated extend to any area (including Railway areas) in a State, not being a Union Territory, the powers and jurisdiction of members of the DSPE for the investigation of any offences or classes of offences specified in a notification under Section 3 of the Act, 1946 He would further submit that from bare perusal of sub Section (3) it would reveal that any member of CBI or above rank of the powers of the officer in charge of a police station in the area in which he is for the time being and when so exercising such powers shall, subject to any such as aforesaid, be deemed to be an officer in charge of a police station discharging functions of such an officer within the limits of his station and it is subject to the Central Government that it may, by notification in the Official Gazette, specify the offences or classes of offences which are to be investigated by the Delhi Special Police Establishment. He would further submit that the provisions of Act, 1946 would reveal that CBI cannot be said to be an instrument of the State. It is further submitted that the power which is available for exercising of jurisdiction of CBI is the subject to consent of such State under Section 6 of the Act, 1946, therefore, it is submitted that consent given by the State is subsequently withdrawn, as such, the CBI has no jurisdiction to exercise its power in the State.

He would further submit that the grant of consent under Section 6 of the Act, 1946 was privilege and it is discretion of the State Government whether such privilege to be granted or not. He would further submit that the State Government has clarified vide notification dated 19.07.2012 that sanction will be granted on a case to case basis and in the present case no sanction has been given, therefore, CBI has no jurisdiction to register the case in the State of Chhattisgarh. He would further submit that the CBI which draws power under the DSPE Act has acted in violation of the aforementioned constitutional provisions and the DSPE Act, 1946 as it has been enacted to make provisions for the Constitution of a Special Police Force in Delhi and for the investigation of certain offences in the Union territory thus he would pray for allowing the revision petition. To substantiate his submission he has referred to the judgment of Hon'ble Supreme Court in case of **Fertico Marketing and Investment Private Limited and others vs. Central Bureau of Investigation and another, reported in (2021) 2 SCC 525** and would refer to para 17 of the judgment which reads as under:-

“17. It could thus be seen, that though Section 5 enables the Central Government to extend the powers and jurisdiction of Members of the DSPE beyond the Union Territories to a State, the same is not permissible unless, a State grants its consent for such an extension within the area of State concerned under Section 6 of the DSPE Act. Obviously, the provisions are in tune with the federal character of the Constitution, which has been held to be one of the basic structures of the Constitution”.

9. I have heard learned counsel for the parties and perused the record.

10. Considering the rival submissions of the learned counsel for the parties, the point emerged for consideration of this Court is whether for initiation of prosecution, sanction of the State Government is necessary when the offence of conspiracy was committed at Kolkata and Delhi for stalling the Plant at Raigarh, Chhattisgarh?.
11. To determine the point raised in this criminal revision, it is necessary for this Court to extract Sections 5 & 6 of the Delhi Police Special Establishment Act, 1946 and the notification dated 19-7-2012 issued by the State of Chhattisgarh which has been referred to by learned counsel for the petitioner.

“5. Extension of powers and jurisdiction of special police establishment to other areas.—(1) The Central Government may by order extend to any area (including Railway areas) 4 [in 5 [a State, not being a Union territory]] the powers and jurisdiction of members of the Delhi Special Police Establishment for the investigation of any offences or classes of offences specified in a notification under section 3. (2) When by an order under sub-section (1) the powers and jurisdiction of members of the said police establishment are extended to any such area, a member thereof may, subject to any orders which the Central Government may make in this behalf, discharge the functions of a police officer in that area and shall, while so discharging such functions, be deemed to be a member of the police force of that area and be vested with the powers, functions and privileges and be subject to the liabilities of a police officer belonging to that police force. 1 [(3) Where any such order under sub-section (1) is made relation to any area, then, without prejudice to the provisions of sub-section (2), any member of the Delhi Special Police Establishment of or above the rank of Sub-Inspector may, subject to any orders which the Central Government may make in this behalf, exercise the powers of the officer in charge of a police station in that area and when so exercising such powers, shall be deemed to be an officer in charge of a police station discharging the functions of such an officer within the limits of his station.

6. Consent of State Government to exercise of powers and jurisdiction.—Nothing contained in section 5 shall be deemed to enable any member of the Delhi Special Police Establishment to exercise powers and jurisdiction in any area in 3 [a State, not being a Union territory or railway area],

“HOME DEPARTMENT (C-Section)
Mantralaya, Dou Kalyan Singh Bhavan. Raiper

Raipur, the 19th July 2012

NOTIFICATION

No F-4-164/H.C/2012-Whereas, Section & of the Delhi Special Police Establishment Act, 1946 (25 of 1946) (hereinafter referred to as "the Act") provides that a member of the Delhi Special Police Establishment cannot exercise powers and jurisdiction in any area in a State without the Consent of the Government of that State

And whereas, it has been brought to the notice of the Government of Chhattisgarh that a letter No. 695/Home/ 2001. dated 3-2-2011, apparently issued by the then Principal Secretary, Home Department, Government of Chhattisgarh. is being construed to be grant of Consent under section 6 of the Act to exercise powers and jurisdiction by a member of the Delhi Special Police Establishment;

And whereas, the said letter regarding Consent of the State Government was not a Consent letter of the Government of Chhattisgarh as the same was issued without obtaining approval of the competent authority as required under Rule 19 of Part IV of "Rules of Business of the Executive Government of Chhattisgarh" made by the Governor of Chhattisgarh in exercise of the powers conferred by clause (2) and (3) of Article 166 of the Constitution of India, and, it has, therefore, become necessary for the State Government of Chhattisgarh to clarify the position herein above

Now, therefore, the State Government of Chhattisgarh hereby clarifies that the said letter No. 695/Home/ 2001, dated 03-02-2001 is not to be construed or treated, as a letter of Consent under section 6 of Delhi Special Police Establishment Act, 1946 and further directs that the Consent of the State Government of Chhattisgarh for extending jurisdiction to the Delhi Special Police Establishment under section 6 of the Act shall continue to

be given only on the merits of each case ie on case to case basis Case to case.

The Notification shall come into force with immediate effect.
By order and in the name of the Governor of Chhattisgarh.
S.P. SHORI, Joint Secretary”.

12. From bare perusal of Sections 5 & 6 and other provisions of the DSPE Act, it is quite vivid that “The CBI draws its powers under the DSPE Act as it is enacted with an object of constitution of a Special Police Force' in Delhi for the investigation of certain offences in the Union Territory, for the superintendence and administration of the said Force and for the extension of its powers and jurisdiction in regard to the investigation of the said offences. Section 2 of the DSPE Act provides for constitution of the force, Section 3 thereof prescribes the offence which is to be investigated by CBI; Section 5 of DSPE Act provides extension of power and jurisdiction of CBI into any area (including a railway area) in a State; Section 6 thereof expressly provides that the force/CBI is required to obtain the consent of the concerned State in case of exercise of such power in terms of Section 5 of the DSPE Act. Section 6 of the DSPE Act is the statutory recognition of the principle of federalism which forms a part of the basic structure of the Constitution of India, as also protected under Entry 80, List I and Entries 1 and 2, List II, Constitution of India. Section 6 of the DSPE Act is a component of such federalism that provides for a prior approval of the State in case Centre wishes to transgress in the territory of the State and usurping the powers of the police force of the State. Thus, the provision of Section 6 therefore, assumes immense

significance and therefore, cannot be ignored and violated by anyone. From bare perusal of Section 6 of the Act, it is quite vivid that the CBI does not have any inherent jurisdiction in any area in the State including Railway. The DSPE has mandatorily met the requirement of Sections 3 & 5 of the Act and thereafter its power becomes subject to the consent of the State under Section 6 of the DSPE Act. This legal position is not in dispute but this Court has to ascertain whether in the case of conspiracy, the offence has been conducted at Chhattisgarh, Delhi or Kolkata.

13. From the bare perusal of the case diary submitted by the CBI, it is quite vivid that the applicant has submitted an application for sanctioning of the loan at Kolkata and the same was sent to Delhi before the Director of HUDCO where the loan was sanctioned and the loan was sanctioned for stalling captive power plant at Cherapani, Raigarh which is situated at Chhattisgarh. Thus, the offence of conspiracy was initiated at Kolkata and thereafter, the loan was sanctioned at New Delhi and the fund was said to have been utilized at Chhattisgarh therefore, the conspiracy was committed at Kolkata where it has been alleged that the applicant has submitted an application for sanction of loan and thereafter, the loan was sanctioned at New Delhi. Thus, the part of offence of Chhattisgarh is only execution of the offence by utilizing the fund. Thus, the criminal conspiracy was prima facie committed at Kolkata or New Delhi only. It is pertinent to mention here that the State of West Bengal has granted sanction to the CBI which was withdrawn on 16.11.2018 whereas the

FIR was registered in the year 2012 and the final charge sheet was submitted on 30.07.2012. The loan was sanctioned at New Delhi after getting the documents from the Kolkata office of HUDCO and the FIR was registered at Delhi only. Thereafter, the charge sheet has been filed at New Delhi. As such, the sanction of the Government of Chhattisgarh is not required as provisions of Section 6 of the Act, 1946 are not applicable to the present facts and circumstances of the case.

14. This issue has come up for consideration before the Hon'ble Supreme Court in case of **Kanwal Tanuj vs. State of Bihar and others, reported in (2020) 20 SCC 531** wherein Hon'ble Supreme Court has held in paras 17 and 18 which read as under.

17. This Court in [M. Balakrishna Reddy](#) (supra) expounded the purport of [Sections 3, 5 and 6](#) of the 1946 Act and observed in paragraph 19 as under: "19. Plain reading of the above provisions goes to show that for exercise of jurisdiction by CBI in a State (other than Union Territory or Railway area), consent of the State Government is necessary. In other words, before the provisions of the Delhi Act are invoked to exercise power and jurisdiction by Special Police Establishment in any State, the following conditions must be fulfilled:

(i) A notification must be issued by the Central Government specifying the offences to be investigated by Delhi Special Police Establishment ([Section 3](#));

(ii) An order must be passed by the Central Government extending the powers and jurisdiction of Delhi Special Police Establishment to any State in respect of the offences specified under Section 3 ([Section 5](#)); and

(iii) Consent of the State Government must be obtained for the exercise of powers by Delhi Special Police Establishment in the State ([Section 6](#))." This judgment dealt with a case where offence was committed in the State of Madhya Pradesh in the year 1996, which had already accorded consent under [Section 6](#), but the accused at the time when the case was registered, was working in a different State i.e. the State of Uttar Pradesh. The challenge [in that case](#) was to the order which according to

the appellant therein, did not fulfil the elements of [Section 6](#) of the 1946 Act. That challenge came to be negated by this Court in paragraphs 69 and 71 of the reported judgment, in the following words: “69. In the present case, the decision produced by the respondent along with the counteraffidavit filed by the Superintendent of Police, CBI, Bhopal clearly sets out all the particulars required by [Section 6](#) of the Delhi Act. It refers to the file/reference number, name of the department, the authority from whom it was issued and communicated to the department concerned of the Central Government. It, therefore, cannot be said that the State Government had not granted consent under [Section 6](#) of the Delhi Act.

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71. A closer scrutiny of the relevant provisions of the [Delhi Act](#) also add credence to the view which we are inclined to take. [Section 3](#) refers to “notification” and requires the Central Government to issue notification specifying offences or class of offences to be investigated by Special Police Establishment. [Section 5](#) uses the term “order” and enables the Central Government to extend powers and jurisdiction of Special Police Establishment to other areas not covered by the Act. [Section 6](#) which speaks of consent of the State Government for the exercise of powers and jurisdiction of the Special Establishment neither refers to “notification” nor “order”.

It merely requires consent of the State Government for the application of the [Delhi Act](#). Parliament, in our considered opinion, advisedly and deliberately did not specify the mode, method or manner for granting consent though in two preceding sections such mode was provided. If it intended that such consent should be in a particular form, it would certainly have provided the form as it was aware of different forms of exercise of power. It, therefore, depends on the facts of each case whether the consent required by [Section 6](#) of the Delhi Act has or has not been given by the State Government and no rule of universal application can be laid down.”

18. The High Court, in the present case, after analysing the material on record clearly found that BRBCL was a Government undertaking and the project undertaken by it was funded by the Central Government and that it had its registered office in the Union Territory of Delhi (National Capital Territory of Delhi), where the offence of defrauding the undertaking (BRBCL) and siphoning of its funds was allegedly committed. We see no reason to deviate from the opinion so recorded by the High Court.

15. Hon'ble the Division Bench of High Court of Delhi at New Delhi also in case of **Anand Agarwal vs. Union of India and others, (WP (Cri) 791 of 2018 and Cri.M.A.No 4962 of 2018** decided on 8-10-2018 has held in paras 27 and 28 which read as under.

27. In the present case, the actions of the Petitioner spoken of in the charge sheet, though performed at Raipur, were pursuant to the criminal conspiracy entered into between some of the accused in New Delhi. According to the CBI, those actions of the Petitioner were in continuation of and, in a sense, a completion of the criminal acts that were planned to be undertaken in that conspiracy. They are inseparable from the main criminal conspiracy itself. According to the CBI, it is not, therefore, as if separate and distinct offences unconnected with the main criminal conspiracy in New Delhi were undertaken by the Petitioner in Raipur. Also, a reading of the charge sheet shows that the case of the CBI is that the Petitioner was aware that he was acting pursuant to and in furtherance of such criminal conspiracy.

28. The CBI's case is that offence of criminal conspiracy for which the case has been registered was committed not in Chhattisgarh but in New Delhi. That explains why the CBI has registered the case in New Delhi. The Court finds merit in the contention of the CBI that merely because the further acts pursuant to that criminal conspiracy were performed by the co-accused in a place outside Delhi, in this case Raipur, there would be no necessity for the CBI to seek the prior sanction of Respondent No.3 under Section 6 DSPE Act to take further steps to investigate that case in Raipur or other places in Chhattisgarh..

16. Considering all the facts and material placed on record which clearly establish that the offence of conspiracy was committed at Kolkata and Delhi and in Chhattisgarh, the loan amount which has been received after doing conspiracy was utilized at Chhattisgarh which does not give any right to the accused to seek quashment of the proceedings on the count that no approval of the State Government has been obtained. In the light of the above stated legal position and the law laid

down by the Hon'ble Supreme Court and Hon'ble Division Bench of High Court of Delhi, I am of the view that the criminal revision being devoid of merit is liable to be and is hereby dismissed.

17. It is made clear that this Court has not commented on merits of the allegations made against the applicant. The learned trial Court is free to proceed in accordance with law on the basis of evidence and the material collected during the trial without being influenced by any of the observations made by this Court. This Court has only taken into consideration the rival submissions of the parties only to decide the controversy raised in the revision petition.
18. Interim order passed by this court on 1-3-2021 is vacated.

Sd/-
(Narendra Kumar Vyas)
JUDGE

Raju