



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

S.B. Criminal Misc(Pet.) No. 869/2024

1. Ram Lal Patidar S/o Sh. Dhoolji Patidar, Aged About 71 Years, R/o Nawa Dora, Dungarpur, Dungarpur (Raj.).
2. Sh. Dhooli S/o Laalji, Aged About 100 Years, R/o Nawa Dora, Dungarpur, Dungarpur (Raj.).
3. Smt. Panu Devi W/o Sh. Ram Lal Patidar, Aged About 95 Years, R/o Nawa Dora, Dungarpur, Dungarpur (Raj.).
4. Smt. Premila W/o Sh. Ram Lal Patidar, Aged About 65 Years, R/o Nawa Dora, Dungarpur, Dungarpur (Raj.).

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretry, Department Of Home, (Raj.) Jaipur (Raj.).
2. Superintendent Of Police, Anti Corruption Bureau, Jaipur (Raj.).
3. Addl. Superintendent Of Police, Anti Corruption Bureau, Udaipur Ranghe, Udaipur, Raj.
4. Addl. Superintendent Of Police, Anti Corruption Bureau, Banswara, Udaipur (Raj.).
5. Inspector, Anti Corruption Bureau, Banswara (Raj.).

----Respondents

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| For Petitioner(s) | : | Mr. Gajendra Singh Rathore |
| For Respondent(s) | : | Mr. Vikram Rajpuohit, P.P. Mr. Ratan Singh Rajpurohit, SI, Anti-Corruption Bureau, Dungarpur |

HON'BLE MR. JUSTICE ARUN MONGA

Order

28/08/2024

1. Assailed herein is an FIR No.99/2006 dated 19.04.2006, lodged at Police Station Anti Corruption Bureau, Jaipur, District Jaipur, and all other consequential proceedings emanating there from for alleged offences under Sections 13(1)(e) and 13(2) of the

Prevention of Corruption Act, 1988 including charge-sheet No.387/2014 dated 09.12.2014 before learned Special Judge, Session Court (Anti-Corruption Cases).

2. Briefly stated, relevant facts are that petitioner No.1, Ram Lal Patidar, served as a Development Officer from 24.07.1978 to 19.04.2006. Following a raid, the accounts of petitioner No.1 and petitioners No.2 to 4 (his parents and wife) were seized. Additionally, the *stree-dhan* belonging to petitioner No.4 (the wife of petitioner No.1) and his daughter-in-law, which was stored in a bank locker, was also seized by the respondents. Land documents were confiscated as well.



2.2. After investigating the FIR in question, charge-sheet No.387/2014 was filed on 09.12.2014. The respondents included the income of petitioner No.1 and his family members, including that of his brother, who was also employed in a government department, in the charge sheet to allege amassing of disproportionate assets beyond the means of known income.

2.3. Since the filing of the charge-sheet in 2014, no steps have been taken for the past 10 years by the prosecution to proceed with the trial. Hence the instant miscellaneous petition.

3. In the aforesaid backdrop, I have heard rival contentions of learned counsel for the parties and perused the case file.

4. The sum and substance of the arguments addressed by learned counsel for the petitioners is that inordinate delay in conclusion of the trial is severely prejudicial to the petitioners. On the one hand, they are suffering the ignominy of being accused/under trials on the basis of false allegations and, on the

other hand, the prosecution, for the lack of evidence, is not proceeding any further and seeking repeated adjournments.

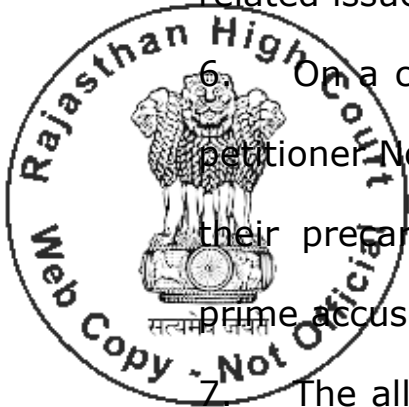
5. Petitioner No.2 (father – 100 years old) and petitioner No.3 (mother – 96 years old) and petitioner No.4 (wife – 65 years old), are stated to be senior citizens. Parents are suffering from age related issues.

6. On a court query qua the health condition of parents of the petitioner No.1, learned Public Prosecutor though does not dispute their precarious medical condition, but since petitioner No.1 is prime accused, they do not deserve any concession, he submits.

7. The allegations in the charge-sheet are primarily all oriented against the petitioner No.1 and his brother. Concededly, brother of petitioner No.1 is not being prosecuted as sanction for prosecution was not accorded for him. He was also in government service at the relevant time.

8. Having perused the case file, at the very outset, I am of the view that what is of foremost significance herein is the prolonged and unreasonable delay of over 18 years in concluding the trial after registration of FIR on 19.04.2006. This delay, despite no fault on the part of the petitioners, violates their right to a fair and speedy trial. The absence of any progress, despite the charge sheet being filed in 2014, raises serious concerns about the administration of justice. Such delay undermines the legal principle that justice delayed is justice denied. No doubt, conversely, justice hurried is justice buried. But the case in hand is of former category and not latter.

9. The prosecution has failed to adduce any evidence without any plausible cause or make any meaningful progress in the case since

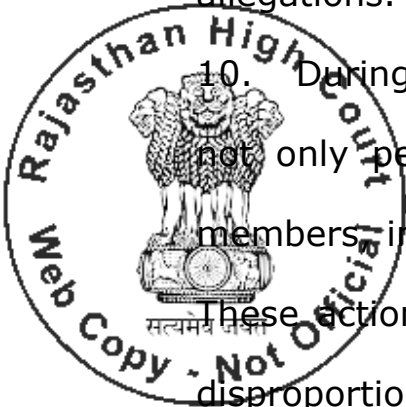


the charge sheet was filed. The prosecution's reliance on repeated adjournments without bringing forward concrete evidence demonstrates an inability to move forward with the case. This situation prejudices the petitioners and causes them undue distress as they remain under trial on the basis of unproven allegations.

10. During the investigation, the authorities seized the assets of not only petitioner No.1 (Ram Lal Patidar) but also his family members including their personal belongings such as *stree-dhan*. These actions extend beyond what is necessary for investigating disproportionate assets, causing undue hardship to the entire family. The inclusion of unrelated family members in the investigation adds to the oppressive nature of the case against them.

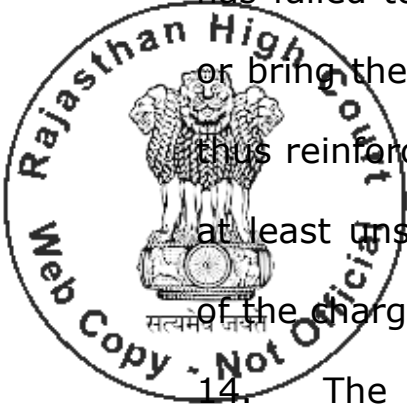
11. Moreover, petitioners No. 2 (father) and No. 3 (mother) are senior citizens, aged 100 and 96 years, respectively. Their advanced age and frail health make their continued involvement in this prolonged trial highly unjust and inappropriate. The burden of the trial on individuals of such advanced age who are not central to the allegations against petitioner No. 1 makes out a case of quashing their involvement in the case on compassionate ground if nothing else, which seems to be a reasonable ground, given that they are, really speaking, not the accused but merely name lenders to their son, if at all.

12. The petitioner's brother, who was also a government employee at the time, is not being prosecuted due to the absence of sanction for his prosecution. This inconsistency in prosecutorial conduct suggests that the case against petitioner No. 1 and his



family might not be sufficiently robust. If a key figure, like the petitioner's brother, is not being prosecuted, it raises doubts about the legitimacy of the case against the rest of the family as well.

13. There appears to be substance in the argument that the allegations against petitioners are false, given that the prosecution has failed to present sufficient evidence to proceed with the case or bring the trial to a conclusion. The lack of progress since 2014 thus reinforces the argument that the charges may be baseless or at least unsupported by strong evidence, justifying the quashing of the charges.



14. The advanced age and health issues of the petitioners' parents demand a humanitarian approach. Forcing individuals nearing the end of their lives to endure a prolonged legal battle without any substantive charges against them is both cruel and unjust. Given the lack of direct involvement of petitioners No. 2 to 4 (parents and wife) in the alleged crime, a compelling ground is made out for quashing the charges against them as they have already suffered the pangs of protracted litigation without even a flicker of light in the tunnel, during twilight years of their lives.

15. As an upshot, in light of the significant delay, the prosecution's failure to present a strong case, the unjust inclusion of wife and parents in the charge sheet, and the health conditions of petitioners No. 2 and No. 3, I am of the view that the charge-sheet against the ailing parents and wife (petitioners No.2 to 4) of the petitioner No.1 deserves to be quashed. It is so ordered.

16. The petition is disposed of in above terms with the expectation that further pending trial proceedings shall be concluded as

expeditiously as possible without granting any unnecessary adjournments, particularly, at the instance of the prosecution.

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

(ARUN MONGA),J

432-AnilKC/-

Whether Fit for Reporting – Yes / No

