

[2026 LiveLaw \(SC\) 108](#)

IN THE SUPREME COURT OF INDIA
EXTRAORDINARY CRIMINAL JURISDICTION
J.B. PARDIWALA; J., SATISH CHANDRA SHARMA; J.
SPECIAL LEAVE PETITION (CRL.) NOS.1010-1011 OF 2026; 19 JANUARY, 2026
ANIL DAIMA ETC. versus STATE OF RAJASTHAN & ORS.

Prevention of Corruption Act, 1988; Section 17A – Jurisdiction of State Anti-Corruption Bureau (ACB) over Central Government Employees – The Supreme Court upheld the Rajasthan High Court's finding that the State ACB has the jurisdiction to register criminal cases, investigate, and file charge-sheets against Central Government employees for offences committed within the State's territorial jurisdiction - It is incorrect to contend that the Central Bureau of Investigation (CBI) holds exclusive jurisdiction or that its prior consent is mandatory for the ACB to proceed. [Para 3]

Prevention of Corruption Act, 1988; Section 17A – Scope of Previous Approval – Demand of Illegal Gratification –The protection under Section 17A, which requires previous approval for enquiries or investigations into decisions taken or recommendations made by a public servant in the discharge of official duties, does not apply to cases involving the demand of illegal gratification - Noted that Section 17A was enacted with a specific object and cannot, by any stretch of imagination, be applied to bribery/extortion cases as these do not constitute "official functions or duties." [Paras 6-7]

For Petitioner(s): Mr. Ashok Gaur, Sr. Adv. Ms. Megha Karnwal, AOR Ms. Sakshi Singh, Adv. Mr. Tarun Jaiman, Adv.

For Respondent(s): Mr. Shivmangal Sharma, AAG Mr. Puneet Parihar, Adv.

ORDER

1. These petitions arise from a common judgment and order passed by the High Court of Judicature for Rajasthan, Bench at Jaipur dated 3.10.2025 by which the two Criminal Miscellaneous Petitions i.e. Criminal Misc. Writ Petition Nos. 450 and 451 of 2025, respectively, filed by the petitioners before us came to be disposed of.

2. The High Court addressed itself on two neat questions of law. The two questions of law are as under: -

“(I) If any offence under the Prevention of Corruption Act is committed by a person, serving under the Central Government, or an employee of the Central Government, within the territorial jurisdiction of the State of Rajasthan, whether the State agency of Anti-Corruption Bureau (ACB) is authorized and has jurisdiction to register a criminal case against such person and to proceed for investigation and filing of charge-sheet. Or whether the jurisdiction lies exclusively with the Central Bureau of Investigation (CBI), and without prior approval/ consent of the CBI, the ACB cannot proceed in the matter?”

“(II) If a charge-sheet of an offence under the Prevention of Corruption Act, is filed by the Anti-Corruption Bureau against a person, serving under the Central Government or an employee of the Central Government before the Court of competent jurisdiction, but without obtaining the approval/ consent of the CBI, whether such charge-sheet can be considered valid in law and within jurisdiction to commence and culminate the criminal trial of such offence in accordance with law?”

3. Both the questions, referred to above, have been answered by the High Court against the petitioners. The High Court after due consideration of the position of law and

a review of various decisions of this Court and the provisions of law, has recorded a categorical finding that the ACB of the State of Rajasthan has jurisdiction to register the criminal case under the provisions of the Prevention of Corruption Act despite the fact that the accused is an employee of the Central Government. The High Court has taken the correct view while saying that it is incorrect to say that it is only the CBI who could have instituted the prosecution.

4. At this stage, the learned counsel made an endeavour to persuade us to give benefit of Section 17-A of the Prevention of Corruption Act, 1988 (for short “the Act, 1988”) to his clients under the provision of Section 17-A.

5. At the outset, we must clarify that the petitioners before us are sought to be prosecuted for the offence punishable under Sections 7 and 7A respectively, of the Act, 1988.

6. This is a case of demand of illegal gratification. Section 17-A reads thus: -

“17-A. Enquiry or Inquiry or investigation of offences relatable to recommendations made or decision taken by public servant in discharge of official functions or duties.—(1) No police officer shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under this Act, where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties, without the previous approval—

(a) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of the Union, of that Government;

(b) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of a State, of that Government;

(c) in the case of any other person, of the authority competent to remove him from his office, at the time when the offence was alleged to have been committed:

Provided that no such approval shall be necessary for cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any undue advantage for himself or for any other person:

Provided further that the concerned authority shall convey its decision under this section within a period of three months, which may, for reasons to be recorded in writing by such authority, be extended by a further period of one month.”

7. The entire submission of the learned counsel is thoroughly misconceived. Section 17-A came to be enacted with a particular object. Section 17-A talks about enquiry or inquiry or investigation of offences relatable to recommendations made or decision taken by public servant in discharge of official functions or duties. Section 17-A by any stretch of imagination cannot be applied to cases of demand of illegal gratification.

8. We have no hesitation in rejecting such submission at the threshold.

9. With the aforesaid, the Special Leave Petitions stand dismissed.

10. Pending application(s), if any, stands disposed of.