

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

MONDAY, THE 27TH DAY OF FEBRUARY 2023 / 8TH PHALGUNA, 1944

WP(CRL.) NO. 181 OF 2023

PETITIONER:

K.SASI, AGED 64 YEARS.
S/O.KUTTI,
THIRUVATHIRA HOUSE,
PRIYADARSHINI NAGAR,
AYYANTHOLE THRISSUR, PIN - 680003

BY ADV M.R.SARIN

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT ,
SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 SECRETARY TO GOVERNMENT HOME DEPARTMENT
[VIGILANCE] 3RD FLOOR, NORTH BLOCK,
SECRETARIAT, THIRUVANANTHAPURAM,
KERALA, PIN - 695001
- 3 SECRETARY TO GOVERNMENT,
LABOUR & SKILLS DEPARTMENT
3RD FLOOR, NORTH BLOCK, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 4 ADDITIONAL SECRETARY TO GOVERNMENT
LABOUR & SKILLS DEPARTMENT, 3RD FLOOR,
NORTH BLOCK, SECRETARIAT,
THIRUVANANTHAPURAM, KERALA, PIN - 695001
- 5 INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION BUREAU SPECIAL CELL,
ERNAKULAM DISTRICT-682017

WP(CRL.) NO. 181 OF 2023

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REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR
IN CHARGE OF CASES RELATING TO PREVENTION OF
CORRUPTION ACT HIGH COURT OF KERALA, PIN -682 031.

OTHER PRESENT:

SRI.A.RAJESH, SPL.P.P VACB

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 27.02.2023, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

J U D G M E N T

This Writ Petition (Crl.) has been filed challenging Ext.P2 sanction for the prosecution granted by the 4th respondent under Section 19 of the Prevention of Corruption Act (for short 'the P.C. Act').

2. The petitioner is the sole accused in V.C.No.6/2015/SCE of the Vigilance and Anti Corruption Special Cell Bureau, Ernakulam, now pending as C.C.No.4 of 2020 on the files of the Enquiry Commissioner and Special Judge (Vigilance), Thrissur.

3. The offences alleged against the petitioner are punishable under Sections 13 (2) r/w 13(1) of the P.C. Act.

4. The prosecution case in short is that the petitioner while working as Government Servant as Inspector of Factories and Boilers at Thrissur, during the period from 01.01.2004 to 28.02.2015 has amassed wealth to the tune of Rs.82,81,561/- which was disproportionate to his known source of income and thus committed the offence.

5. The 4th respondent issued Ext.P2 sanction order to prosecute the petitioner invoking Section 19(1)(b) of the P.C Act. It is challenging the said sanction order, this Crl.M.C has been filed.

6. I have heard Sri.Sarin Panicker, the learned counsel for the petitioner and Sri.A.Rajesh, the learned Special Public Prosecutor.

7. The petitioner challenges Ext.P2 sanction order mainly on two grounds:-

- (i) In the sanction order, designation of the petitioner has been wrongly shown as the 'Additional Director' in Factories and Boilers instead of the 'Joint Director'.
- (ii) The 4th respondent did not apply his mind while granting sanction.

8. It is true that instead of the Joint Director, the designation of the petitioner has been shown as the Additional Director. It appears to be a typographical error. All the other details of the petitioner are correct. For the simple reason that there is a typographical error in showing the designation of the petitioner, it cannot be said that the sanction issued is bad. The question whether the sanctioning authority has applied his mind or not, is something which cannot be agitated in a writ petition. If the petitioner has got a case that the sanctioning authority accorded sanction without applying his mind, the petitioner can very well cross-examine the sanctioning authority when he will be

examined during trial.

I find no merit in the Writ Petition (Crl.) and accordingly, it is dismissed.

Sd/-

DR.KAUSER EDAPPAGATH, JUDGE

AS

APPENDIX OF WP(CRL.) 181/2023

PETITIONER'S EXHIBITS:

- EXHIBIT P1 THE TRUE COPY OF THE FIR NO
VC.NO.6/2015 /SCE OF THE VIGILANCE AND
ANTI CORRUPTION SPECIAL CELL BUREAU
ERNAKULAM POLICE STATION
- EXHIBIT P2 THE TRUE COPY OF ORDER ISSUED BY THE 4TH
RESPONDENT IN G.O. (MS) NO. 10/2019/LBR
DATED ON 20.02.2019
- EXHIBIT P3 THE TRUE COPY OF REPLY NOTICE RECEIVED
FROM THE STATE PUBLIC INFORMATION OFFICER
/ SENIOR SUPERINTENDENT DIRECTORATE OF
FACTORIES AND BOILERS AS PER RIGHT TO
INFORMATION ACT DATED ON 31.08.2021