



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

S.B. Criminal Misc(Pet.) No. 2993/2020

Pradip Baijal S/o L.b. Baijal, Aged About 77 Years, 561 Ats Greens, Sector 93A, Noida Express Way, Noida, 201301

----Petitioner

Versus

Union Of India, Through Cbi

----Respondent



For Petitioner(s) :

Mr. Mukul Rohatgi, Sr. Advocate with Mr. Siddharth Agarwal & Mr. Nishant Bora through Jitsi Meet App

For Respondent(s) :

Mr. R.D. Rastogi & Mr. B.P. Bohra, through Jitsi Meet App

JUSTICE DINESH MEHTA

Order

22/09/2020

1. Mr. Mukul Rohatgi, learned Senior Counsel, appearing for the petitioner, submits that the petitioner is a retired civil servant (I.A.S. Officer) and was Secretary, Department of Disinvestment, Ministry of Finance between 2000 and 2003.
2. He submits that provisions of Section 19 of the Prevention of Corruption Act, 1998, regarding sanction of the Central Government, equally applies to a retired Government employee, particularly after its amendment w.e.f. 26.10.2018.
3. Learned Senior Counsel argues that since the Court below has taken cognizance on 15.09.2020, the law in vogue on the date of taking such cognizance will prevail and not the provisions as they existed (in the year 2001), when the offence in question is alleged to have been committed.



4. Mr. Rohatgi asserts that prior to taking cognizance against the petitioner, who is a retired civil servant, no prior sanction of the Central Government was obtained and the order impugned is, thus, fundamentally void and without jurisdiction.

5. While echoing the arguments of Mr. Harish Salve that the learned Court below was not justified in issuing arrest warrant to the petitioner, Mr. Rohatgi submits that petitioner, a respected law abiding senior citizen, would cooperate in the trial, albeit without prejudice to his rights flowing from present petition.

6. Issue notice. Issue notice of stay application also, returnable on 15.10.2020.

7. Mr. R.D. Rastogi assisted by Mr. B.P. Bohra accepts notice on behalf of respondent and prays for three weeks' time to file reply.

8. In view of the detailed reasons indicated in the order of even date, passed in S.B. Criminal Revision Petition No.663/2020 (Jyotsana Suri Vs. Union of India) and considering the submissions noted above, the following ad interim order is passed and directions are given:-

सत्यमेव जयते

- (i) The petitioner shall not be arrested in pursuance of the arrest warrant issued in relation to the impugned order dated 15.09.2020 passed by learned Special Judge, CBI Cases, Jodhpur;
- (ii) the petitioner shall appear before the Court below on 08.10.2020 and furnish a personal bond of Rs.2 lacs and two sureties of Rs.1 lac each. The petitioner shall be permitted to appear before the Court below along with his counsel; and



(iii) the petitioner shall not leave India without prior permission of the Court.

9. List on 15.10.2020 for consideration of stay application.

10. Reply be filed by the next date while giving a copy in advance to counsel for the petitioner.

11. Connect with S.B. Criminal Revision Petition No.663/2020.



(DINESH MEHTA),J

