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**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE  
HON'BLE SHRI JUSTICE SHEEL NAGU  
&  
HON'BLE SHRI JUSTICE DEVNARAYAN MISHRA  
ON THE 29<sup>th</sup> OF NOVEMBER, 2023**

**MISC. CRIMINAL CASE No. 48545 of 2023**

**BETWEEN:-**

**ARVIND PANDEY S/O SHRI LATE SHRI RAMDATT  
PANDEY, AGED ABOUT 57 YEARS, OCCUPATION:  
REVENUE INSPECTOR (SUSPENDED), R/O 139/4, SHRI  
RAM NAGAR, GOLAU, JABALPUR (M.P.)**

**....PETITIONER**

**(BY SHRI PRANAY SHUKLA - ADVOCATE )**

**AND**

**THE STATE OF MADHYA PRADESH THROUGH SPECIAL  
POLICE ESTABLISHMENT, LOKAYUKTA  
ORGANIZATION, BHOPAL, REGIONAL OFFICE,  
JABALPUR (M.P.)**

**....RESPONDENT**

**(BY SHRI SATYAM AGRAWAL - ADVOCATE)**

*This petition coming on for admission this day, Justice Sheel Nagu  
passed the following:*

**ORDER**

Inherent powers of this Court u/S.482 of Cr.P.C. are invoked to assail the interlocutory order dated 20.09.2023 passed by Special Judge (P.C. Act), Jabalpur (M.P.) in Special Case No.02/2020 whereby application u/S.216 of Cr.P.C. for altering charges framed against petitioner/accused punishable u/Ss.7(a) and 13(1)(b) r/w Section 13(2) of Prevention of Corruption Act (for short '**P.C.Act**') has been rejected.

2. As against aforesaid charges framed against the petitioner-accused, alteration was sought for dropping charges framed u/S.13(1)(b) r/w Section 13(2) of P.C. Act thereby leaving intact the charge u/S.7(a) only.

3. In support of aforesaid contention, learned counsel for petitioner has primarily relied upon a decision of Coordinate Bench of this Court rendered on 06.04.2022 in **Radheshyam Gupta (R.S. Gupta) Vs. State of M.P. through Special Police Establishment (Criminal Revision No.1666/2021)** vide Annexure A/5.

3.1 Learned counsel for petitioner contends that in similar factual scenario as prevailing in the instant case, the Coordinate Bench of this Court in **Radheshyam Gupta (supra)** had, after a comparative assessment of unamended as well as amended Section 13 of P.C. Act, quashed the charges framed against petitioner therein u/Ss.13(1)(b) and 13(2) of P.C. Act leaving intact the charges framed u/Ss.7(a) and 7(b) of P.C. Act.

4. After hearing learned counsel for rival parties and considering the material on record and closely scrutinizing the judgment of the Coordinate Bench in **Radheshyam Gupta (supra)**, this Court is of the considered view that this petition deserves to be dismissed for reasons infra:

(i) The amended Section 13 of P.C. Act came into effect from 26.07.2018.

(ii) The incident which gave rise to the offence in the case of **Radheshyam Gupta (supra)** took place in the month of August, 2018 whereas in the instant case, the incident which gave rise to the offence herein is dated 12<sup>th</sup> & 13<sup>th</sup> of July, 2018.

(iii) Thus, the incident in the instant case took place prior to amendment in the P.C. Act whereas the incident in **Radheshyam Gupta (supra)** took place subsequent to the amendment.

(iv) As per Article 20(1) of the Constitution of India, every person has a fundamental right of being convicted in accordance with law in force at the time when the incident giving rise to the offence is committed and can be subjected to such penalty which is in conformity with the law in force at the time of commission of offence.

5. It is obvious from the above factual matrix that petitioner/accused can be prosecuted, tried and punished if found guilty, on the anvil of law which was in force when the incident was committed. The incident in the present petition took place prior to the amendment in P.C. Act and, therefore, unamended Section 13 would apply for the purpose of trial, conviction and penalty, but not the amended provision.

5.1 Therefore, reliance placed by learned counsel for petitioner on the decision of the Coordinate Bench in **Radheshyam Gupta** (supra) is misplaced.

6. Learned counsel for petitioner has relied upon the decision of Apex Court in **Trilok Chand Vs. State of Himachal Pradesh, (2020) 10 SCC 763** where the question was as to whether the accused can be extended liberty to choose the quantum of penalty under the amended law providing for less stringent punishment as compared to the unamended law which provided for stricter punishment. In this factual scenario, the Apex Court in **Trilok Chand** (supra) relying upon its earlier decision in **Nemi Chand Vs. State of Rajasthan, (2018) 17 SCC 448** held that the rule of beneficial construction should be invoked to mitigate the rigour of law.

6.1 With utmost humility at our command, it appears that the decision in **Trilok Chand** (supra) by the Apex Court was based on distinct factual matrix

where amended law attracted lenient punishment, whereas herein the amended Section 13 stipulated more stringent penalty than the unamended law.

**6.2** Thus, the principle applied in **Trilok Chand** (supra) does not appear to be of any application to the factual scenario of the present case.

**7.** In the conspectus of above discussion, this Court is of the considered view that neither the decision of the Coordinate Bench in **Radheshyam Gupta** (supra) nor the decision of Apex Court in **Trilok Chand** (supra) is of any assistance to the petitioner.

**8.** Consequently, in the absence of any failure of justice, no case for invoking inherent powers u/S.482 of Cr.P.C. is made out.

**9.** Accordingly, this MCRC stands **dismissed**.

(SHEEL NAGU)  
JUDGE

DV

(DEVNARAYAN MISHRA)  
JUDGE

