

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO.902 OF 2026

C/W

CRIMINAL REVISION PETITION NO.893 OF 2026

CRIMINAL REVISION PETITION NO.926 OF 2026

IN CRL.RP NO.902/2026:

BETWEEN:

1. SRI. B.G.PRAKASH KUMAR,
S/O LATE B.R. GOPAL GOWDA,
AGED ABOUT 72 YEARS,
RETIRED EXECUTIVE ENGINEER,
MALLESHWARAM DIVISION,
WEST ZONE, BENGALURU,
R/AT NO.139, 10TH MAIN ROAD,
BCC LAYOUT, VIJAYANAGAR,
BENGALURU-560040.

...PETITIONER

(BY SRI. VIJAYA KUMAR, ADVOCATE)



AND:

1. THE STATE OF KARNATAKA,
REP. BY CID, SAMPANGIRAMNAGAR,
BENGALURU-560001,
REPRESENTED BY SPP
HIGH COURT BUILDING,
BENGALURU-560001.
2. THE BENGALURU METROPOLITAN
TASK FORCE (BMTF),
BENGALURU-560001,
REPRESENTED BY SPP,

CRL.RP No. 902 of 2026
C/W CRL.RP No. 893 of 2026
CRL.RP No. 926 of 2026

HIGH COURT OF KARNATAKA,
BENGALURU-560001.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP)

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 OF CR.PC (FILED U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE ORDER DATED 24.02.2026 PASSED IN SPL.C.C.NO.339/2018 ON THE FILE OF LXXVII ADDITIONAL CITY CIVIL SESSIONS JUDGE AND SPECIAL JUDGE FOR PREVENTION OF CORRUPTION ACT, BENGALURU CITY, VIDE ANNEXURE-A, IN SO FAR AS IT RELATES TO REJECTION OF DISCHARGE APPLICATION UNDER THE PREVENTION OF CORRUPTION ACT, 1988 IS CONCERNED.

IN CRL.RP NO.893/2026:

BETWEEN:

1. SRI. B.G. PRAKASH KUMAR,
S/O LATE B.R. GOPAL GOWDA,
AGED ABOUT 72 YEARS,
RETIRED EXECUTIVE ENGINEER,
MALLESHWARAM DIVISION,
WEST ZONE, BENGALURU,
R/AT NO.139, 10TH MAIN ROAD,
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REPRESENTED BY SPP,
HIGH COURT BUILDING,
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CRL.RP No. 902 of 2026
C/W CRL.RP No. 893 of 2026
CRL.RP No. 926 of 2026

2. THE BENGALURU METROPOLITAN
TASK FORCE (BMTF),
BENGALURU.

...RESPONDENTS

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IN CRL.RP NO.926/2026:

BETWEEN:

1. SRI. B.G. PRAKASH KUMAR,
S/O LATE B.R. GOPAL GOWDA,
AGED ABOUT 68 YEARS,
RETIRED EXECUTIVE ENGINEER,
MALLESHWARAM DIVISION,
WEST ZONE, BENGALURU,
R/AT NO.139, 10TH MAIN ROAD,
BBC LAYOUT, VIJAYANAGAR,
BENGALURU-560040

...PETITIONER

(BY SRI. VIJAYA KUMAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY CID, SAMPANGIRAMNAGAR,
BENGALURU-560001.
REPRESENTED BY SPP,
HIGH COURT BUILDING,
BENGALURU-560001.

2. THE BENGALURU METROPOLITAN
TASK FORCE (BMTF),
BENGALURU -560001
REPRESENTED BY SPP,
HIGH COURT BUILDING,
BENGALURU-560001.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP)

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 OF CR.PC (FILED U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE ORDER DATED 24.02.2026 PASSED IN SPL.C.C.NO.107/2018 ON THE FILE OF THE LXXVII ADDL. CITY CIVIL AND SESSIONS JUDGE AND SPL.JUDGE FOR PREVENTION OF CORRUPTION ACT, BENGALURU CITY, VIDE ANNEXUER-A IN SO FAR AS IT RELATES TO REJECTION OF DISCHARGE APPLICATION UNDER THE PREVENTION OF CORRUPTION ACT 1988 IS CONCERNED.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 11.09.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

CAV ORDER

Heard the learned counsel for the petitioner and the learned Additional SPP appearing for the respondents.

2. These revision petitions are filed praying this Court to set aside the order dated 24.02.2026 passed in Spl.C.C.Nos.339/2018, 338/2018 and 107/2018 respectively, rejecting the discharge application filed under Section 227 of Cr.P.C. in part, for the offences punishable under Section

13(1)(c) and (d) read with Section 13(2) of the Prevention of Corruption Act, 1988 ('PC Act' for short) and prays this Court to allow the application in respect of the offence relating to the PC Act and pass such order as this Court deems fit in the circumstances of the case.

3. The factual matrix of the case of the prosecution against the petitioner in all the cases is that the petitioner has been arrayed as accused No.1 and he has served as an Executive Engineer, Malleshwaram Division, BBMP and supervised the road improvement and asphaltting works. The Commissioner, BBMP, directed the Technical Investigation Cell to enquire into the allegations regarding irregularities in execution of developmental works and complaint was lodged by the Additional Commissioner, BBMP, which has led in the registration of Crime No.4/2011, for the offences under the IPC and PC Act. It is also contended that the petitioner retired from service on attaining the age of superannuation on 30.07.2017. The police after the investigation have filed the charge-sheet before the competent Court on 16.04.2018 and 20.01.2018. The learned Trial Judge took the cognizance of the offence on 23.05.2018 in Spl.C.C.No.339/2018, on 23.05.2018 in

Spl.C.C.No.338/2018 and on 16.02.2018 in Spl.C.C.No.107/2018 for the alleged offences. An application was filed before the Trial Court under Section 227 of Cr.P.C. seeking for discharge in respect of both IPC offences and PC Act offences. The Trial Court discharged the petitioner and closed the proceedings holding the prosecution case is unsustainable in the eye of law vide order dated 20.09.2023. This Court vide order dated 22.03.2025 allowed Crl.R.P.No.702/2024 setting aside the discharge order and remitted the matter back to the Trial Court for fresh consideration. The Trial Court restored Special C.C.No.339/2018 and issued fresh summons to the petitioner on 09.04.2025. The Trial Court considering the arguments advanced on the discharge application and considering the principle laid down in the judgments referred and also considering the arguments of the learned Special Public Prosecutor, allowed the discharge application discharging the petitioner for the offences punishable under Sections 120B, 409, 465, 468, 477A of IPC, but directed the continuation of proceedings under the PC Act vide order dated 24.02.2026. Aggrieved by the partial rejection of the discharge application, the present revision petitions are filed before this Court.

4. The main contention of the learned counsel for the petitioner in these revision petitions is that an amendment was brought into the PC Act in respect of Section 19(1) on 26.07.2018. Section 19(1) of the PC Act is very clear that no Court shall take cognizance of an offence punishable under Sections 7, 11, 13 and 15, alleged to have been committed by a public servant, except with the previous sanction save as otherwise provided in the Lokpal and Lokayukta Act, 2013. In the case of a person who is employed, or as the case may be was at the time of commission of the alleged offence employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government of that Government. In the case of a person who is employed, or as the case may be was at the time of commission of the alleged offence employed in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government.

5. The learned counsel would contend that this amendment was brought into force by Act No.16/2018 with effect from 26.07.2018. The learned Trial Judge by order dated

20.09.2023 had discharged the petitioner and closed the proceedings holding the prosecution against the petitioner to be unsustainable in the eye of law. Subsequently, in view of the judgment passed by this Court setting aside the order dated 20.09.2023, remitted the matter back to the Trial Court for fresh consideration in the light of the observations made therein. Consequently, upon restoration of the proceedings and issuance of fresh summons to the petitioner, it became incumbent upon the Trial Court to reconsider the matter afresh in accordance with law. The learned counsel would vehemently contend that the continuation of the proceedings against the petitioner for the offences under the PC Act without obtaining a valid sanction under Section 19(1) of the PC Act, as amended with effect from 26.07.2018, is wholly impermissible and unsustainable and hence, the impugned order warrants interference by this Court. The learned counsel also contend that the sanction is a condition precedent for the Court to validly take cognizance of offences under the PC Act and without the sanction, there cannot be any proceedings against the petitioner and finding of the Trial Court is erroneous in coming to the conclusion that sanction is not necessary in a case of retired official. The counsel would contend that the Trial

Court failed to appreciate that once the petitioner had been discharged by order dated 20.09.2023, the earlier cognizance taken against him lost its legal efficacy and enforceability, particularly in the absence of a valid sanction either under Section 197 of Cr.P.C. or under Section 19(1) of the PC Act, and upon remand of the matter, there cannot be any fresh consideration once again. The Trial Court has proceeded on the erroneous assumption that the cognizance taken in May 2018 continues to survive notwithstanding the subsequent discharge of the petitioner and closure of proceedings against him and the very continuation in the absence of such sanction is vitiated by lack of jurisdiction and is liable to be quashed. The counsel also vehemently contend that the Trial Judge committed an error in allowing the application in part and rejecting the same in respect of the PC Act offences and the same is erroneous and hence, this Court has to set aside the order of the Trial Court and allow the application in its entirety.

6. The learned counsel would contend that the crime goes back to prior to amendment and taking of cognizance is also prior to the amendment, but charge-sheet is filed without the sanction. The counsel would contend that as on the date of

crime, the petitioner was in service. The learned counsel would contend that sanction is mandatory in view of the petitioner was in service as on the date of crime and it goes back to the date of crime and not the date of taking of cognizance. The learned counsel would contend that when sanction is mandatory, the question of taking the cognizance does not arise and the Trial Court committed an error in passing an erroneous order in rejecting the same in respect of PC Act offence. The learned counsel also brought to the notice of this Court the order passed by this Court in Crl.R.P.No.1214/2025 and Crl.R.P.No.1215/2025 both dated 06.07.2026 and in these two judgments this Court has held that without sanction, there cannot be any prosecution.

7. The learned counsel also relies upon the judgment of the Apex Court in the case of **S.K. SINHA, CHIEF ENFORCEMENT OFFICER v. VIDEOCON INTERNATIONAL LTD. AND OTHERS** reported in **(2008) 2 SCC 492**. The learned counsel referring this judgment would contend that the Apex Court has given interpretation with regard to cognizance i.e., meaning of, point in time and determination of occurrence of cognizance and distinction with issuance of process.

Cognizance connotes to take notice of judicially. It occurs simultaneously with the application of mind by the Court or Magistrate to the suspected commission of an offence. Whether cognizance of an offence was taken or not depends on the facts and circumstances of each case and no rule of universal application can be laid down to determine it. The counsel also brought to the notice of this Court with regard to object and scope of inquiry under Section 202 of Cr.P.C. and held that object is to ascertain whether there is a prima facie case against the accused. At that stage, the Magistrate examines whether there is sufficient ground for proceeding with the matter and not whether there is sufficient ground for conviction.

8. Per contra, the learned Additional SPP appearing for the respondents would vehemently contend that amendment came into effect from 26.07.2018. The counsel would vehemently contend that no sanction is required under Section 19 of the PC Act in respect of the retired Official. Admittedly, this petitioner was retired in 2017 itself. The counsel also contend that scope of Section 227 of Cr.P.C. is very limited and the Trial Court while rejecting the application in part in respect

of the offences under the PC Act taken note of the same. The counsel also brought to the notice of this Court that the Apex Court in its judgment passed in SLP (Civil) Nos.5150-5152/2023 dated 14.07.2025, while allowing the appeal partly, held that prior sanction under Section 19(1)(a) was required only for public servants who were in service at the time of taking cognizance and not for those who had retired. The Apex Court considering the facts and circumstances of Special C.C.Nos.252/2016, 253/2016 and 273/2016 in respect of an accused by name B.T.Ramesh, held that no prior sanction under Section 19 of PC Act needed. The said case is similar to the case of this petitioner. Hence, there is no need of sanction in respect of the official who has been retired from service and the Trial Court rightly rejected the discharge application in respect of the PC Act offences.

9. In reply, the learned counsel for the petitioner submits that a memo is filed along with rejection in respect of 32 cases of this petitioner that no sanction was given.

10. Having heard the learned counsel for the petitioner and the learned Additional SPP appearing for the respondents,

the points that would arise for the consideration of this Court are:

- (i) Whether the Trial Court committed an error in rejecting the application filed under Section 227 of Cr.P.C. in coming to the conclusion that sanction is not required in respect of the retired official?
- (ii) Whether the amendment will come to the aid of the petitioner?
- (iii) Whether amendment is subsequent to the taking of cognizance and whether amendment benefit could be extended to the petitioner?
- (iv) What order?

Point No.(i) to (iii):

11. Having heard the respective learned counsel and also considering the material on record, there is no dispute with regard to the fact that FIRs are registered and charge-sheets are filed prior to the amendment. Now this Court would like to rely upon amendment brought to Section 19(1) of PC Act with effect from 26.07.2018 and the amended Section 19(1) is extracted hereinbelow:

"19. Previous sanction necessary for prosecution. – (1) No Court shall take cognizance of

an offence punishable under sections 7, 11, 13 and 15 alleged to have been committed by a public servant, except with the previous sanction save as otherwise provided in the Lokpal and Lokayukta Act, 2013.

- (a) in the case of a person who is employed, or as the case may be, was at the time of commission of the alleged offence employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that Government;*
- (b) in the case of a person who is employed, or as the case may be, was at the time of commission of the alleged offence employed in connection with the affairs of a State and is not removable from his office save by or with sanction of the State Government, of that Government;”*

12. Having perused this amendment, it is very clear that subsequent to the amendment which came into force from 26.07.2018, prior sanction for prosecution is mandatory even in respect of public servants who have retired from service. Such sanction is a condition precedent for the Court to validly take cognizance of the offences under the PC Act. Now this Court

has to take note of that crime was taken place long back. It has to be noted that the Commissioner of BBMP directed the Technical Investigation Cell to enquire into the allegations regarding irregularities in execution of developmental work and complaint was also filed long back i.e., prior to the amendment. This Court also has to take note of the fact that the petitioner was retired on 30.07.2017. The Investigating Agency has filed the charge-sheet before the competent Court prior to the amendment but after the retirement. The Court has to take note of the date of taking of the cognizance i.e., on 23.05.2018 in Spl.C.C.No.339/2018 and Spl.C.C.No.338/2018 and on 16.02.2018 in Spl.C.C.No.107/2018. Having perused the order of taking cognizance by the Court in the relevant dates of hearing, while taking the cognizance, the learned Magistrate also taken note of the documents produced along with the charge-sheet and cognizance is taken both in respect of IPC offences as well as PC Act offences and issued summons to this petitioner along with other accused. Having perused the material on record, it is very clear that cognizance was taken prior to the amendment and not subsequent to the amendment and amendment was made on 26.07.2018 and hence, the said amendment will not come to the aid of the petitioner that it

requires sanction. The crime was registered long back and investigation was completed prior to the amendment and cognizance was also taken prior to the amendment and hence, the very contention of the learned counsel for the petitioner that the Trial Court has committed an error cannot be accepted. The principles laid down in the judgment referred supra by the learned counsel for the petitioner in the case of **S.K. Sinha** (supra), is with regard to the meaning of cognizance. Cognizance connotes to take notice of judicially and so also while taking cognizance only object is to ascertain whether there is a prima facie case against the accused. At that stage, the Magistrate has to examine whether there is sufficient ground for proceeding in the matter and not whether there is sufficient ground for conviction.

13. No doubt, this Court in Crl.R.P.Nos.1214/2025 and 1215/2025 dated 06.07.2026, in paragraph No.5 held that there cannot be any proceedings against those accused persons if no sanction is given. There is no sanction against the petitioners in those cases and hence, this Court held that there cannot be any issuance of summons against the petitioners in those cases. The said judgment will not come to the aid of the

petitioner herein though this Court set aside the order in those cases and in the present case, the petitioner was retired from service.

14. This Court also would like to rely upon the judgment of this Court passed in CrI.R.P.No.975/24 and other connected petitions dated 22.03.2025 and the order passed by this Court is very clear that wherever sanction is necessary, without the sanction there cannot be any proceedings. This Court while remitting the matter back to the Trial Court directed the Trial Court to consider the matter afresh in view of the observations made by this on merits. The Trial Court was also directed to consider the sanction order given by the State to continue the proceedings against the accused where the proceedings have already been quashed by giving liberty to file sanction order and continue the proceedings against them from the stage of taking cognizance. The judgment is very clear that if no such sanction is given in respect of the accused persons, which have been relied upon by the respondents, there cannot be any proceedings against those persons. The counsel appearing for the petitioner mainly relies upon direction No.(iv) that, it does not mean that the Court cannot proceed against

the accused if no such sanction is required. But in the case on hand, admittedly, the petitioner is retired from the service in 2017 itself and no dispute to that fact. This Court has already come to the conclusion that the amended provision will not enure the benefit in favour of the petitioner and the said amendment is made subsequent to the taking of cognizance.

15. This Court would like to rely upon the judgment of the High Court of Telangana, Hyderabad in the case of **DR. PILLI SAMBASIVA RAO v. STATE OF TELANGANA, THROUGH INSPECTOR OF POLICE, ACB** reported in **2022 SCC Online TS 3401**. When a similar question was arisen, it is held therein that the Court will not agree with the contention of the petitioner that since 2018 amendment was in force when the charge-sheet was filed sanction is necessary. Even the Court also disagrees with the decision of the Kerala High Court in **S.V.Kalesan v. State of Kerala** reported in **2021 SCC OnLine KER 5113** in the light of the decision of Supreme Court in **State of Talangana v. Managipet** reported in **(2019) 19 SCC 87**. In the said decision, the Supreme Court rejected the argument that 2018 amendment will apply if charge-sheet was filed after the said amendment came into

force. The relevant paragraph of the judgment is extracted below:

"37. Mr. Guru Krishna Kumar further refers to a Single Bench judgment of the Madras High Court in M. Soundararajan v. State [M. Soundararajan v. State, 2018 SCC OnLine Mad 13515] to contend that amended provisions of the Act as amended by Act 16 of 2018 would be applicable as the amending Act came into force before filing of the charge-sheet. We do not find any merit in the said argument. In the aforesaid case, the learned trial court applied amended provisions in the Act which came into force on 26-7-2018 and acquitted both the accused from charge under Section 13(1)(d) read with Section 13(2) of the Act. The High Court found that the order of the trial court to apply the amended provisions of the Act was not justified and remanded the matter back observing that the offences were committed prior to the amendments being carried out. In the present case, the FIR was registered on 9-11-2011 much before the Act was amended in the year 2018. Whether any offence has been committed or not has to be examined in the light of the provisions of the statute as it existed prior to the amendment carried out on 26-7-2018."

Therefore, in the light of the aforesaid discussion, Section 19 of the Amendment Act, 2018 does not apply retrospectively.

There is no duty cast upon the authorities to obtain sanction to prosecute employees not in service if the alleged offences under the Act, 1988 were committed before the enactment of the 2018 Amendment. The Apex Court in the judgment also held that the amendment will have only prospective application and it has no application to cases registered prior to the amendment and pending under various stages of investigation and to cases in which investigation has been completed under pending trial.

16. The Apex Court also observed that the Delhi High Court in the case of **Central Bureau of Investigation v. A.Raja** reported in **(2021) 2 RCR (Cri) 692**, referring to another decision in **Madhu Koda v. State** reported in **2020 SCC OnLine Del 599**, held in paragraph No.61 that in view of the Hon'ble Apex Court decision in **State of Telangana** (supra), and decision of Coordinate Bench of this Court in **Madhu Koda** (supra), this Court is of the opinion that amended Act does not apply to the offences which have already taken place under the PC Act, 1988 and there is no impediment in hearing the criminal leave to appeal, since the offences in

question are alleged to have been committed prior to the coming into force of PC (Amendment) Act, 2018.

17. This Court also would like to rely upon the judgment of this Court in the case of **C.S. PUTTARAJU v. STATE OF KARNATAKA AND OTHERS** reported in **MANU/KA/0185/2022 = (2022) 3 KLJ 227**, wherein this Court relied upon the observation of the Apex Court in the case of **Hitendra Vishnu Thakur v. State of Maharashtra** reported in **(1994) 4 SCC 602** at paragraph No.26. The same reads as follows:

"26. ... From the law settled by this Court in various cases the illustrative though not exhaustive principles which emerge with regard to the ambit and scope of an Amending Act and its retrospective operation may be culled out as follows:

(i) A statute which affects substantive rights is presumed to be prospective in operation unless made retrospective, either expressly or by necessary intendment, whereas a statute which merely affects procedure, unless such a construction is textually impossible, is presumed to be retrospective in its application, should not be given an extended meaning and should be strictly confined to its clearly defined limits.

(ii) Law relating to forum and limitation is procedural in nature, whereas law relating to right of action and right of appeal even though remedial is substantive in nature.

(iii) Every litigant has a vested right in substantive law but no such right exists in procedural law.

(iv) A procedural statute should not generally speaking be applied retrospectively where the result would be to create new disabilities or obligations or to impose new duties in respect of transactions already accomplished.

(v) A statute which not only changes the procedure but also creates new rights and liabilities shall be construed to be prospective in operation, unless otherwise provided, either expressly or by necessary implication."

(emphasis supplied)

Similar stand is taken by High Court of Kerala in the case of **K.R. Ramesh v. Central Bureau of Investigation and another** wherein at paragraph No.44 it is held that Prevention of Corruption (Amendment) Act, 2018 has to be held to be prospective and has no application to cases registered prior to amendment and pending under various stages of investigation

and to cases in which investigation has been completed and pending trial.

18. This Court also would like to rely upon the recent judgment of Delhi High Court passed in **Crl.Ref.No.1/2019** dated **06.08.2026**. Having considered the material on record, the Delhi High Court in paragraph No.59 held that though the Amendment Act uses the word 'substitution', it, in effect, inserts a new obligation on taking prior sanction even with respect to the former public servants or public servants who hold a different office when the cognizance of the offence was taken by the Court. It thus inserts a new obligation on the prosecution and does not give any indication of having a retrospective effect, except to the fact that even though the offence may relate to a period prior to the amendment, the protection would enure to the benefit of such former public servants when the Court is to take cognizance of the offence after the Amendment Act has come into force. In paragraph No.60, while answering the questions it is held that the relevant date for the application of the amendment Section 19(1) of the 1988 Act is with effect from 26.07.2018. The Amendment Act, as far as amendment to Section 19(1) of the

1988 Act, is retrospective to the extent that the benefit thereunder would enure even where the offence is alleged to have been committed prior to its coming into force, however, it is prospective to the effect that, where cognizance of such offence already stands taken before 26.07.2018, the same shall not be reopened and there would be no fresh requirement of prior sanction in such cases. The requirement of taking sanction would be applicable only where the Court is yet to take cognizance of the offence mentioned in Section 19(1) of the Act as on 26.07.2018 and thereafter.

19. This Court would also like to rely upon the judgment of the Apex Court in the case of **Managipet** (supra), wherein it is held that the sanction can be produced by the prosecution during the course of trial, so the same may not be necessary after retirement of the accused officer. Therefore, the lack of sanction was rightly found not to be a ground for quashing of the proceedings.

20. Having considered the principles laid down in the judgments referred to supra, it is clear that the benefit of the amendment to Section 19(1) of the PC Act is available only where cognizance has not been taken. Even after the

amendment, the provision can have retrospective application only in cases where cognizance had not been taken. It is also important to note that amendment brought to Section 19(1) is only prospective effect and not retrospective effect. In these cases already case was registered long back and investigated and charge-sheet is also filed prior to the amendment and even in all these cases cognizance was taken prior to the amendment. The Trial Court rightly comes to the conclusion relying upon the judgment of the Apex Court that protection is given to the retired officials as well as the serving officials under Section 197 of Cr.P.C. The Trial Court relying upon the Apex Court judgment in the case of **B.T.Ramesh** held that sanction is not required if he is not in service if it is in respect of PC Act. The Trial Court rightly taken note of the principles laid down in the judgment and passed appropriate order allowing the application in respect of IPC offences and rejecting the same in respect of PC Act offences. The Amendment Act will not enure to the benefit of the petitioner, as cognizance has already been taken. Hence, I do not find any error on the part of the Trial Court and the same does not requires any interference of this Court. Accordingly, point Nos.(i) to (iii) are answered in the negative.

Point No.(iv):

21. In view of the discussions made above, I pass the following:

ORDER

The revision petitions are dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD