



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Criminal Revision No. 12 of 2026

Dinesh Kumar Rana.Revisionist.

Versus

State of Uttarakhand
and another.Respondents.

and

Criminal Revision No. 914 of 2025

Basant Kumar Joshi.Revisionist.

Versus

State of Uttarakhand
and others.Respondents.

Present:

Mr. U.K. Uniyal, learned Sr. Advocate, assisted by Mr. S.S. Mehra and Mr. P.P. Upadhyay, learned counsel for the revisionist.

Mr. G.S. Sandhu, learned Addl. Advocate General with Mr. Himanshu Sain, learned Brief Holder for the State / respondents.

Hon'ble Mr. Justice Rakesh Thapliyal, J.

1. Both the revisions have been preferred by the revisionists Dinesh Kumar Rana and Basant Kumar Joshi challenging the order passed by the Special Judge, P.C. Act, Haldwani, in Special Sessions Trial No. 12 of 2025 (State Vs. Dinesh Singh Rana and another) whereby charges have been framed against both the revisionists to face the trial for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 arising out of first information report dated 09.05.2025 bearing



FIR No. 4 of 2025, Police Station – Vigilance Sector, Nainital, Haldwani.

2. Mr. U. K. Uniyal, learned Sr. Advocate for the revisionists argued that impugned order of framing charges suffered from gross illegality impropriety, since the trial court has failed to consider that no case is made out against the revisionists under Section 7 of the P.C. Act. He argued that in order to bring the case within the ambit of Section 7 of the P.C. Act, it is essential that prosecution ought to have proved that revisionist either “accepts” or “attempts” or “obtain undue advantage” from the complainant in performing his duty or “reward” offer is made by the complainant. He submits that for constituting the offence punishable under Section 7 of the P.C. Act, there should be demand by public servant beyond reasonable doubt which needs to be proved by the prosecution and only in that eventuality, a presumption can be drawn for obtaining illegal gratification. He submits that the main genesis for implicating the revisionists in the criminal case was that the revisionist Dinesh Kumar Rana Chief Treasury Officer has not signed the file relating to grant of benefit of ACP, though revisionist being the Chief Treasury Officer, has performed his duties diligently and as a matter of fact, complainant filed the complaint due to his personal grudge targeted the revisionists though there was no demand.

3. Apart from this, he submits that SOP for trap was completely ignored and even the voice recording does not contain any demand made by the revisionists, which is an indispensable ingredient of Section 7 of the P.C. Act. He further submits that the complainant himself admitted that shadow witness B. D. Joshi did not accompany Dinesh Singh Rana



where the bribe was allegedly exchanged. This witness alleges that he kept the envelope containing the bribe money on file and even he does not alleged any specific demand of bribe or even money, whatsoever. He also submits that even there is no allegation of acceptance and as such, there is no attribution of either demand or acceptance, at the time of trap. He also argued that discharge application of both the revisionists i.e. paper no. 74 Kha and 75 Kha have been rejected on 01.12.2025 by the trial court in a very cursory and causal manner without application of mind.

4. On the other side, Mr. G.S. Sandhu, learned Addl. Advocate General for the State, has vehemently opposed the submissions of Mr. U.K. Uniyal, learned Sr. Advocate for the revisionist and submits that there are sufficient material to establish the demand and acceptance and both the revisionists were trapped by vigilance team, therefore, all the arguments as advanced by Mr. U.K. Uniyal, learned Sr. Advocate are in fact the subject matter of trial and have no relevance at this stage.

5. Mr. Sandhu further argued that all the submissions advanced by Mr. U. K. Uniyal, learned Sr. Advocate are thoroughly misconceived, at this stage, since under revisional jurisdiction the Court can only examine the jurisdictional error, correctness, illegality or procedural impropriety or irregularity in the procedure and it focuses on legality or propriety rather than re-appreciating the evidence. He further submits that revisional jurisdiction mandates to check the correctness, legality and propriety of the sentence or order. In addition to this, he submits that while exercising the revisional jurisdiction, the Court at the most can examine whether there is proper compliance of the procedure, as laid down under the Rules.



6. This Court is fully convinced with the arguments as advanced by Mr. Sandhu, that all the arguments as advanced by Mr. U.K. Uniyal, are subject matter of the trial, hence, arguments, as advanced by Mr. U.K. Uniyal, to this extent are outrightly rejected.

7. So far as the order impugned framing charge is concerned Chapter XVII of the Code of Criminal Procedure, 1973 and corresponding Chapter XVIII of BNSS, 2023 deals with the charge. Section 234 of BNSS (corresponding Section 211 of Cr.P.C.) relates to contents of the charge, which reads as under:

“234. (1) Every charge under this Sanhita shall state the offence with which the accused is charged. (2) If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only. (3) If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged. (4) The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge. (5) The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case. (6) The charge shall be written in the language of the Court. (7) If the accused, having been previously convicted of any offence, is liable, by reason of such previous conviction, to enhanced punishment, or to punishment of a different kind, for a subsequent offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court may think fit, to award for the subsequent offence, the



fact, date and place of the previous conviction shall be stated in the charge; and if such statement has been omitted, the Court may add it at any time before sentence is passed."

8. Section 235 of BNSS (corresponding Section 212 of Cr.P.C.) deals with particulars of time, place and person, which read as under:

"235. (1) The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged. (2) When the accused is charged with criminal breach of trust or dishonest misappropriation of money or other movable property, it shall be sufficient to specify the gross sum or, as the case may be, describe the movable property in respect of which the offence is alleged to have been committed, and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of section 242: Provided that the time included between the first and last of such dates shall not exceed one year."

9. Section 237 of BNSS (corresponding Section 213 of Cr.P.C.) deals with the words in charge taken in sense of law under which offence is punishable, which reads as under:

"237. In every charge words used in describing an offence shall be deemed to have been used in the sense



attached to them respectively by the law under which such offence is punishable."

10. Section 238 of BNSS (corresponding Section 213 of Cr.P.C.) relates to effect of errors, which reads as under:

"238. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was in fact misled by such error or omission, and it has occasioned a failure of justice."

11. On plain reading of the aforesaid provisions, it is clear that no doubt framing of charge is critical stage and charge must clearly state the offence with specific provisions of details of time, place and person and separate charge must be framed for each distinct offence and where there are more than one accused person against whom the charge has to be framed, then the charge for each of the accused should be framed by creating written accusation for each distinct offence and not only this, even while framing the charge the Court must read and explain these charges to each of the accused to ensure fair trial. If the two accused persons acted jointly, then in such an eventuality the charge has to be framed in term of Section 246 BNSS (corresponding Section 223 of Cr.P.C).

12. The purpose of framing of charge is to formally inform the accused the precise nature of the allegations against him in order to ensure fair trial by allowing them to prepare adequate defence.

13. The order of framing of charge is the foundation of the trial, it's scope is to streamline the proceeding by focusing on



specific accusation. The purpose of framing of charge is to provide accused clear written details of offence adhering to principles of natural justice and it allows the accused to prepare his defence effectively and in fact, the order of framing charge is commencement of the trial and not only this, Section 237 of the BNSS (corresponding Section 214 Cr.P.C.) clearly stipulates that the words used in the charge are to be interpreted according to the specific legal meaning so that accused person, who face trial understand the language of the charge defend himself properly during trial.

14. In both the revisions, order under challenge is of dated 08.12.2025 whereby the Special Judge, PC Act, Haldwani framed the charges by composite order against both the accused persons.

15. Prima facie, the order impugned of framing of charge reveals that learned Special Judge, (P.C. Act), completely overlooked the mandate of law while framing the charge. The charge in respect of each of the accused persons should be specific with their names, place, time and role, therefore, on perusal of the impugned order it reveals that learned Special Judge, P.C. Act, has not applied its judicial mind while framing charge.

16. Accordingly, both the revisions are allowed by setting aside order impugned by remitting the matter to the concerned Special Judge, (P.C. Act), to pass order afresh strictly as per mandate of Chapter XVIII of BNSS, 2023. Since the matter relates to the corruption, learned Special Judge, (P.C. Act), shall pass the order afresh, within one month positively from the date of receipt of the order. Registry is directed to send the



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copy of this judgment to the concerned court for necessary compliance.

17. In addition to this, Registry is directed to circulate this judgment to all the subordinate courts through District and Sessions Judge for their perusal.

(Rakesh Thapliyal, J.)

27.03.2026

SKS