(2004) 07 JH CK 0066

In the Jharkhand High Court

Case No : Criminal Revision No. 507 of 2003

Binod Kumar Chirania APPELLANT

Vs

Union of India (UOI) RESPONDENT

Date of Decision : 02-07-2004

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 227
Penal Code, 1860 (IPC) — Section 120
Prevention of Corruption Act, 1988 — Section 13(1)

Citation : (2004) 4 JCR 126

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Vishnu Kumar Sharma, for the Appellant; Rajesh Kumar, for the Respondent

Final Decision : Dismissed

Judgement

1. This application has been preferred by the petitioner against the order dated 5.4.2003, whereby and whereunder, the learned Special Judge, CBI, Ranchi rejected the petitioner''s case for his discharge for the offence under Sections 120B, 409, 420, 467, 460, 471 and 477A of IPC and u/s 13(a)(c) and (d) of the PC Act in connection with CBI, RC Case No. 50 (A)/96.

2. According to the petitioner, after investigation, the allegation levelled is that the Company, namely, Trade Well (India) Pvt. Ltd. of which the petitioner was a Director which supplied medicines received payment of Rs. 3,99,680/- whereas the actual supply made by him is only Rs. 2,76,504/- and a sum of Rs. 1,23,176/-has been described as fictitious supply. They only allegation levelled against the petitioner is that the Company was represented by the petitioner in the capacity of Director. Further, according to petitioner, the text of allegation and the materials on record as collected during investigation show that no specific allegation made against him. He has been falsely implicated in the case and has been shown accused in the charge-sheet submitted by the I.O. on

account of his personal bias against him after the petitioner lodged a complaint before the Joint Director (East), CBI. Except the allegation against the Company, no direct allegation has been levelled against him.

3. From the impugned order dated 5.4.2003 passed in RC Case No. 50/(A),96, it will be evident that the Court below perused the records and materials and discussed each and individual case. It was detected that the Investigating Agency during the course of investigation recorded the statement of a number of witnesses, namely, H.P. Khan, B.N.P. Singh, S.C. Raut and N. Jha, which reveals that the petitioner was involved with other accused persons who passed fake and forged bills in collusion with the suppliers like petitioner. Taking into consideration the other evidence on record and the materials available, the Court below came to a definite conclusion that sufficient materials were available against the petitioner and other which constitute a prima facie offence under relevant sections of IPC as well as under 13(1)(d) and 13(ii) of the PC Act.

4. In the facts and circumstances, no relief can be granted as sought for by the petitioner.

5. There being no merit, this revision application is dismissed.

