
(1998) 12 AHC CK 0007
In the Allahabad High Court
Case No : Criminal M.W.P. No. 4 of 1996

Brijraj Singh Shishodiya

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 16-12-1998

Acts Referred:

Citation : (1999) 3 ACR 2776

Hon'ble Judges : R.K. Singh, J;B.K. Roy, J

Bench : Division Bench

Judgement

B.K. Roy and R.K. Singh, JJ.—Heard Sri Vinod Kumar Agarwal, learned Counsel for the Petitioner and Sri Sudhir Mehrotr'a, learned A.G.A. on the question of admission of this writ petition. Perused the writ petition, counter and rejoinder.

2. The main thrust of the submission of Sri Agarwal is that no offence has been made out against the Petitioner since each and every item in question has been properly explained by the Petitioner. We also put on record the submission of Mr. Agarwal that till today no charge-sheet has been submitted by the police.

3. The question before us is as to whether the First Information report disclose commission of offences by the Petitioner or not. On its perusal prima facie it does appear that the Petitioner has committed offences.

4. In paragraph 17 of the counter-affidavit also the Investigating Officer has categorically stated that after investigation it is clear that the Petitioner has misappropriated Rs. 83,118.80, besides has also taken away the Cash Book of 1994-95. Voucher File of 1994-95, Proceeding Book of 1994-95 and Fertiliser Sale Register etc. though these allegations have been denied in paragraph 16 of the rejoinder-affidavit.

5. This Court cannot record a firm finding on these materials in favour of the Petitioner.

6. The counter-affidavit discloses that for filing charge-sheet after investigation a

proposal has been sent to S.P. Headquarter on 31.5.1996 and the permission is still awaited.

7. Be that as it may in view of our finding that a prima facie case has been made out against the Petitioner which also stands supported by the Report of the Investigating Officer. We will not be justified in quashing the First Information Report.

8. Thus, this writ petition is dismissed.

9. The Office is directed to hand over a copy of this order by 23.12.1998 to Sri Sudhir Mehrotra. learned A.G.A., for its communication to the Investigating Officer or the authority before whom the sanction matter is said to be pending for an expeditious action in that regard.