
(2005) 05 AHC CK 0019
In the Allahabad High Court
Case No : Criminal M.W.P. No. 3791 of 2005

G.C. Gupta

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 26-05-2005

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 120B, 420, 467, 468, 471
Prevention of Corruption Act, 1988 — Section 13(1), 13(2)

Citation : (2005) 3 ACR 2551

Hon'ble Judges : R.C. Deepak, J

Bench : Single Bench

Advocate : Ravi Kiran Jain and Swetashwa Agarwal, for the Appellant; G.S. Hajela, S.C., for the Respondent

Judgement

R.C. Deepak, J.—The applicant-accused G. C. Gupta has filed this criminal miscellaneous writ petition for the quashing of the order dated 19.3.2005 passed by the learned Special Judge, C.B.I., Ghaziabad and the entire criminal proceedings in Special Case No. 13 of 2004, C.B.I. v. G.C. Gupta and Ors. case crime No. RC-5 (A)/2002 DAD under Sections 120B, 420, 467, 468 and 471, I.P.C. and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

2. I have heard Sri Ravi Kiran Jain, learned senior counsel assisted by Sri Swetashwa Agarwal, learned Counsel for the Petitioner, Sri G. S. Hajela, learned Counsel for C.B.I, and perused the record.

3. The learned Counsel for the parties have cited the following case laws in support of their contentions:

for the Petitioner Case Laws cited by learned Counsel for C.B.I.

1. Saju v. State of Kerala (2001) 1 SCC 378. 1. Sadhana Lodh v. National Insurance Company Ltd. and Anr. 2003 SCC 762

2. Kehar Singh and Ors. v. The State (Delhi Administration), 1988 SC 1883. 2. State of Karnataka v. M. Devendrappa and Anr. 2002 SCC 539.

3. Pepsi Foods Ltd. and Another Vs. Special Judicial Magistrate and Others, . 3. Satya Narayan Sharma v. State of Rajasthan, 2002 SCC 39.

4. B.S. Joshi and Others Vs. State of Haryana and Another, .

5. State of Haryana and others Vs. Ch. Bhajan Lal and others, .

4. The learned Counsel for the Petitioner has emphatically argued that the evidence on record does not show the complicity of the Petitioner in the alleged offence, as he approved the proposal in routine manner after it was forwarded to him by the Assistant Manager.

5. Contrary to the above submission, the learned Counsel for C.B.I. has vehemently argued that the misappropriation of huge amount of money of the Corporation in the name of 11 fictitious persons cannot be possible without the participation of the top of the cross in the Management.

6. The facts of the present case expose the sinister racket prevalent in the system of L.I.C. by which the Corporation seems to have been robbed of substantial money of the public.

7. A perusal of what has been categorically mentioned in the F.I.R., and what has been described in the charge-sheet after investigation by an independent authority (C.B.I.) it can unhesitatingly expressed without prejudice to the merits of the case in any manner whatsoever particularly at this stage that it cannot be conclusively concluded that whatever has been alleged by the applicant-accused is correct specially when the case is based on documentary evidence which cannot be looked into in order to arrive at its correctness or otherwise the case laws cited by the parties in my opinion cannot be applied or appreciated at this stage.

8. In view of the discussions made above, the petition lacks merit and is accordingly dismissed.