
(2015) 09 RAJ CK 0090

In the Rajasthan High Court

Case No : Criminal Misc. Petition No. 4182/2015

Harish Vijayvargia

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 02-09-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Rajasthan Excise Act, 1950 — Section 18, 54(e), 54-D

Citation : (2015) 4 WLN 316

Hon'ble Judges : Prashant Kumar Agarwal, J.

Bench : Single Bench

Advocate : P.S. Shukla, Advocate, for the Appellant; Jitendra Shrimali, Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

Prashant Kumar Agarwal, J.—The accused-petitioner has filed this Criminal Misc. Petition under Sec. 482 Cr.P.C. with a prayer to quash and set aside the criminal proceedings pending in the form of Criminal Case No. 30/2011 in the Court of Additional Chief Judicial Magistrate No. 2, Srimadhapur (District Sikar) for offence under Sec. 18/54(e) read with Section 54-D of the Rajasthan Excise Act, 1950 to his extent. It was submitted by the learned counsel for the petitioner that the petitioner has been arrayed as accused in the present case only by the reason that he happens to be one of the Directors of the Company. It was further submitted that one of the Directors of the Company Shri Virendra Kumar filed S.B. Criminal Misc. Petition No. 5565/2014 with a similar prayer and the aforesaid petition was allowed by this Court vide order dt. 25.05.2015 and the aforesaid criminal proceedings to the extent of Shri Virendra Kumar have been ordered to be quashed and set aside by this Court. It was also submitted that similar order has been passed by this Court in respect of some other Directors of the Company also. It was submitted that on the ground of parity petitioner is also entitled to get the same relief as he has been made accused merely because he happens to be Director of the company.

2. On the other hand, it was submitted by the learned Public Prosecutor that in the facts and circumstances of the case appropriate order can be passed by the Court.

3. On consideration of submissions made on behalf of the respective parties and the material made available on record and more particularly in view of the fact that the petitioner has been arrayed as accused in the present case merely because he happens to be Director of the company and in the light of the orders passed in the previous petitions, the present petition is also liable to be allowed. Consequently, the criminal misc. petition is allowed and the proceedings presently pending in the form of Criminal Case No. 30/2011 in the Court of Additional Chief Judicial Magistrate No. 2, Srimadhopur, District Sikar are quashed and set aside to the extent of the petitioner. The stay application also stands disposed of.