
(2011) 12 JH CK 0081
In the Jharkhand High Court
Case No : A.B.A. No. 2959 of 2011

Ramji Prasad

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 08-12-2011

Acts Referred:

Citation : (2011) 12 JH CK 0081

Hon'ble Judges : Prashant Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mr. Justice Prashant Kumar

1. All the above four anticipatory bail applications arose from same F.I.R., thus, are heard together and disposed of by this order.

2. Heard Sri Jai Prakash, Senior Advocate and Sri Pandey Neeraj Rai, learned counsels for the petitioners and Md. Mokhtar Khan, learned counsel for the C.B.I.

3. Petitioners are The General Manager, Project Officer, Manager and Assistant Surveyor Officer of Urimari Open Cast Project of C.C.L. under Barka Sayal Area. It is alleged that on some allegation a Joint Surprise Check conducted by a team of C.B.I, and Vigilance Department of C.C.L. and during the said Check shortage of 1,23,541.82 MT coal was found in Heap No. 11 of Urimari O.C.P. Colliery. Accordingly, petitioners were arraigned in the present case.

4. It is submitted by Sri Jai Prakash, Sr. Advocate and Sri Pandey Neeraj Rai, Advocate that the Surprise Check was made on 14.02.2010. It is further submitted that up to 14.02.2010 the total coal received is 9,95,816.25 MT. It is further submitted that till then 7,79,731.91 MT have been dispatched. Thus, the remaining stock on that date comes to 1,76,084.34 MT. It is then submitted that if the figures of subsequent months up to August, 2011 were taken into consideration, then it will become clear that there is no shortage on 14.02.2010.

It is submitted that in the subsequent months upto August, 2011, 19,26,938.98 MT coal received, whereas during that period 20,71,254.74 MT dispatched. Accordingly, on the day of Surprise Check, there is no shortage of coal. It is also submitted that petitioners have filed representation before the D.I.G., C.B.I., before submission of charge-sheet, stating therein that the method used by Joint Surprise Team for measurement of coal is not correct. It is submitted that the petitioners measured coal by adopting "auto level" method whereas the Joint Surprise Team had measured the coal by adopting "tape measurement" method, which is not in consonance with the guideline of C.I.L., which provide that the method of measurement cannot be changed later on.

5. Learned counsel for the C.B.I. submits that a Joint Surprise Check was conducted by the Officers from C.B.I. (A.C.B.); Ranchi and Vigilance. Department of C.C.L., headquarter, Ranchi with the help of Surveyor of C.C.L. and C.M.P.D.I.L., Ranchi in between 21.01.2010 to 14.02.2010. He further submits that during the aforesaid Joint Surprise Check only 52, 542.36 MT of coal found at Heap No. 11 of Saunda Siding. It is further stated that during investigation it was found that during the said period 1,76,084.18 MT coal received at the said Siding. Thus, there is a shortage of 1,23,541.82 MT. It is submitted that the said measurement was made in presence of petitioners by adopting "auto level" method as agreeable to Officers of C.C.L. It is also stated that the petitioners signed on the Joint Surprise Check Memorandum in token of correctness of its contents. Accordingly, it is submitted that since the petitioners are officers responsible, are liable to be prosecuted.

6. Having heard the submission, I have gone through the record of the case. It appears that a Joint Surprise Check was conducted in the presence of petitioners and during the said Joint Surprise Check, shortage of 1,23,541.82 MT coal was found and the petitioners signed on the Joint Surprise Check Memorandum. Therefore, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, anticipatory bail applications of petitioners rejected.