
(2011) 11 UK CK 0052
In the Uttarakhand High Court
Case No : C482 No. 1018 of 2011

Rewadhar Joshi

APPELLANT

Vs

The State of Uttarakhand and others

RESPONDENT

Date of Decision : 09-11-2011

Acts Referred:

Essential Commodities Act, 1955 — Section 3, 7
Penal Code, 1860 (IPC) — Section 218, 406, 409, 420, 467

Citation : (2011) 11 UK CK 0052

Hon'ble Judges : Servesch Kumar Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon"ble Servesch Kumar Gupta, J.—Having heard the learned counsel for petitioner Shri Rewadhar Joshi, who is presently posted as a Supply Inspector, District Supply Office Bageshwar, and learned AGA, it appears that local member of legislative assembly, having received the complaints of the local electorates, got the matter inquired through the District Magistrate, Bageshwar. The preliminary inquiry was conducted by the Lekhpal of the area, and he reported a number of irregularities in the storage, transportation and distribution of the food articles in the area, including several irregularities in the distribution of the mid-day meal, which is provided to the students of basic education in the schools. On the direction of the District Magistrate, Bageshwar, an FIR was lodged, which resulted into the submission of the charge-sheet against Shri Rewadhar Joshi / petitioner for the offence of Sections 406, 409, 420, 467, 468, 471, 218 IPC read with Section 3/7 Essential Commodities Act. The Magistrate took the cognizance of the matter.

2. There is yet another aspect of this matter, which is that during the pendency of the investigation, petitioner Shri Rewadhar Joshi moved a petition for quashing the FIR and his arrest stay before this Court and the same was refused, so the petitioner filed an SLP No. 931 of 2011 before the Hon"ble Apex Court, wherein

only the arrest stay was granted. The order of the Hon''ble Apex Court discerns that it was not felt apt to stay the investigation in the matter. Now after completion of the investigation, the charge sheet has been submitted against the petitioner and the cognizance has also been taken.

3. Learned counsel of the petitioner has drawn the attention of this Court towards Annexures 7 and 8, which advert the physical verification report bearing the signature of Block Development Officer dated 14.4.2011. This report is not speaking at all. The learned counsel of the petitioner has drawn the attention of the Court towards the Government Order of 15.9.1990, which envisages that if any irregularity is found in such matters, then it can be redressed only by making a departmental inquiry and not otherwise. It is pertinent to mention that this GO is of 20 years back issued by the Joint Secretary of the Uttar Pradesh Government. So, its applicability in the Uttarakhand, after passing of the two decades in the changed circumstances, is highly doubted. Moreover, the obvious irregularities, which have been found in the investigation conducted by an independent agency, cannot be engrossed under a web of technicalities. So, this Court is of the view that this petition is meritless and liable to be dismissed on the threshold and the petition is dismissed accordingly.