
(2014) 04 JH CK 0048
In the Jharkhand High Court
Case No : Cr. M.P. No. 965 of 2008

Satyendra Narayan Singh

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 03-04-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 409, 420, 467, 468
Prevention of Corruption Act, 1988 — Section 13(1)(d)

Citation : (2014) 2 JLJR 427

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Advocate : Mahesh Tiwari, Advocate for the Appellant

Final Decision : Allowed

Judgement

Rakesh Ranjan Prasad, J.—Initially, this application was filed for quashing of the First information Report of Hussainabad P.S. Case No. 67 of 2008, registered under Sections 409/467/468/420 of the Indian Penal Code read with Section 13(1)(d) of the Prevention of Corruption Act. Subsequently, when on submission of the charge-sheet cognizance of the offences as aforesaid was taken vide order dated 20.8.2011, that order has been challenged to be bad by way of interlocutory application. Mr. Mahesh Tiwari, learned counsel appearing for the petitioner submits that it is the case of the prosecution that this petitioner, the then Circle Inspector, had lifted 383.60 quintals of rice from F.C.I. Godown for taking it to the Godown at Hussainabad so that the said commodities be distributed amongst the beneficiaries of different Panchayats under the "Anapurna Yojana" but no proof of rice being taken to godown at Hussainabad was found and hence on such premise case was lodged alleging therein that this petitioner misappropriated rice. On such allegation, case was registered not only u/s 409 but also under Sections 467/468/420 of the Indian Penal Code and also u/s 13(1)(d) of the Prevention of Corruption Act. But during investigation it was found that petitioner having lifted the rice from godown of the F.C.I. brought it to

godown at Hussainabad and then it was distributed to different persons and the persons who were responsible for distributing rice to the beneficiaries did commit certain illegalities by supplying them 1.50 quintal of rice instead of 2 quintal of rice. This fact get reflected from the case diary itself. Thus it is evident that nothing wrong was found against the petitioner during investigation, rather some culpability was found on the part of the dealer, for which petitioner cannot be held responsible as the job of the petitioner was only to take the rice from the godown of F.C.I. to the godown of Hussainabad and, thereby, the court seems to have committed illegality in taking cognizance of the offence.

2. When the aforesaid plea had been taken on behalf of the petitioner the State was asked to file counter-affidavit but no counter affidavit was filed in spite of opportunities being given twice. Thus it has to be accepted that during investigation it was found that the petitioner having lifted rice from the godown of F.C.I., brought it to Hussainabad and then it was distributed to different persons and in that situation petitioner cannot be said to have committed offence of either forgery, misappropriation or cheating. Even the petitioner cannot be said to have committed any offence of misconduct and thereby order dated 20.8.2011 under which cognizance of the offence, as aforesaid, has been taken against the petitioner is hereby quashed. Accordingly, this application stands allowed.