

(2020) 01 CHH CK 0030
In the Chhattisgarh High Court
Case No : Acquittal Appeal No. 298 Of 2019

State Of Chhattisgarh Through	Vs	APPELLANT
Gajanand Singh Rahi		RESPONDENT

Date of Decision : 03-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 409, 420, 467, 471

Citation : (2020) 01 CHH CK 0030

Hon'ble Judges : Prashant Kumar Mishra, J;Gautam Chourdiya, J

Bench : Division Bench

Advocate : Avinash Choubey, Nishikant Sinha, Shaktiraj Sinha

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. This acquittal appeal is directed against the judgment rendered by the trial Court on 12.03.2018 in Special Case No.05/2013 acquitting the accused of the charges under Sections 120B, 420, 409, 467, 471 of I.P.C.
2. Some villagers lodged complaint with the concerned Police vide Ex-P-57 and Ex-P-58 to the effect that a sum of Rs. 35 Lacs was sanctioned in the name of 43 villagers for executing work of leveling their agricultural field but they have not been paid wages and the entire amount has been embezzled. After investigation, charge sheet was filed against Sarpanch Smt. Indumani Bai, Upsarpanch Gulabchand Sharma, Panchayat Secretary- Rajesh Tirki, Sub-Engineer- Vinod Bhagat and the present respondent who was working as SDO, Bagicha at the relevant time. Due to the respondent's failure to attend the trial he was declared absconding and his trial was separated.
3. Vide judgment dated 15.12.2015 other persons namely- Indumani Bai, Rajesh Tirki, Gulabchand Sharma and Vinod Bhagat were acquitted of the charges against which the State has not preferred any Acquittal Appeal.

4. Be that as it may, in the present case prosecution has examined the villagers including PW-1 Heera Sai who lodged the written complaint Ex-P-1. Other villagers/ land owners namely PW-2 Pahar Ram, PW-3 Bhaju Ram, PW-4 Damhar Ram, PW-5 Sulendar Ram, PW-6 Lalsai Ram, PW-7 Shani Ram, PW-10 Sudhwa Ram, PW-18 Ramcharan Ram, PW-19 Lohra Ram, PW-20 Sukhu Ram, PW-15 Dileshwar Ram, PW- 16 Aklu Ram, PW-17 Sukhnath Ram, PW-21 Garju Ram, PW- 22 Sukhnath Ram, PW-23 Gregori and PW-24 Madhu have also been examined before the trial Court and all of them have stated that they have received the amount sanctioned for leveling of their agricultural field. Similarly, PW-8 M.R. Lahre, CEO, Janpad Panchayat, Bagicha has proved that payment has been made to the Gram Panchayat as per the sanction order released by the State Government. This witness has also stated that the Janpad Panchayat has not received any complaint from the beneficiaries.

5. Vide seizure memo Ex-P-14 vouchers of payment of the amount has been recovered from the State Bank of India which proves that amounts were paid to the beneficiaries. This document has been proved by PW-9 Budhram Yadav and PW- 27 Oman Singh Mandloi.

6. In view of the above evidence, the trial Court has rightly found that the prosecution has not been able to prove the ingredients of offences under Sections 120B, 420, 409, 467, 471 of I.P.C. Moreover, similar accused persons have been acquitted by the trial Court on 15.12.2015 in an earlier trial but no acquittal appeal has been preferred against the said judgment of acquittal.

7. For all the above stated reasons, the acquittal appeal has no substance. Accordingly, it deserves to be and is hereby dismissed.