
(2012) 09 PAT CK 0032
In the Patna High Court
Case No : Govt. Appeal (SJ) No. 8 of 2002

The State of Bihar

APPELLANT

Vs

Abdul Salam

RESPONDENT

Date of Decision : 03-09-2012

Acts Referred:

Citation : (2012) 09 PAT CK 0032

Hon'ble Judges : Mandhata Singh, J

Bench : Single Bench

Advocate : S.N. Prasad, app, for the Appellant; S.M. Nematullah, for the Respondent

Final Decision : Dismissed

Judgement

Honourable Mr. Justice Mandhata Singh

1. Accused Respondent of this case is alleged for misappropriating Government money specifically it is said that he was Irrigation Revenue Moharrir. His work was to collect irrigation revenue and deposit the same in Government Treasury. There is further detail that different amount was collected on his behalf in different years but its part only was deposited, rest was misappropriated. Further he did not submit blank receipts which also caused revenue loss to the State. After concluding the trial, acquittal of Respondent is recorded by the trial court.

2. In all five witnesses are examined in the case, 5th one namely Anand Bihari Prasad is a formal witness, P.W. 1 Bhagwan Mishra is informant of the case. He has corroborated the prosecution case in toto disclosing year wise collection and lesser deposit of the amount. P.W. 2 Siyawar Saran Prasad Srivastava, P.W. 3 Kapileshwar Singh, P.W. 4 Ramashankar Tripathi are the witnesses to state that they inspected the collection and deposit and found deficiency in deposit but none of the witnesses is stating as what was the material/document to assess the collection and deposit, that is register, receipt or any other document, in absence of which there can be no observation that there was any difference in

between the amount collected and deposited, rightly has been taken into consideration for doubting the prosecution case and acquitting the Respondent by the trial court. Finding no illegality in the impugned judgment/order dated 6.2.2002 this appeal is dismissed.