

(2009) 12 AHC CK 0243
In the Allahabad High Court

Vishwanath Chaturvedi

APPELLANT

Vs

Union of India & Others

RESPONDENT

Date of Decision : 23-12-2009

Acts Referred:

Citation : (2009) 12 AHC CK 0243

Hon'ble Judges : Devi Prasad Singh, J and Suresh Chandra Chaurasia, J

Judgement

S. C. Chaurasia, J.

Affidavits filed by the Principal Secretary, Home, Govt. of U.P., Lucknow and Principal Secretary, Food & Civil Supplies, Govt. of U.P., Lucknow are taken on record.

1. Heard learned counsel for petitioner, learned Standing Counsel as well as Sri Bireshwar Nath, counsel for C.B.I.

2. By order dated 01.12.2009, we have directed the Principal Secretary, Home and the Principal Secretary, Food & Civil Supplies, Govt. of U.P., Lucknow to file personal affidavits to place on record the status of all the District of U.P. with regard to food scam indicating therein the misappropriation of amount involved along with related particulars. In the affidavits filed today, it has been stated that amount has been misappropriated by unauthorised sale of foodgrains under the food scam in almost 30 Districts, but, particulars as well as the amount involved or misappropriated in respective Districts has not been indicated by the officers while filing the personal affidavits.

3. As prayed by the Standing Counsel, one more opportunity is given to respondents, i.e. the Principal Secretary, Home and the Principal Secretary, Food & Civil Supplies to file another affidavit. On the next date of listing the respondents shall also produce before the Court the fact finding enquiry report prepared by various committees or bodies with regard to food scam. While producing the original report learned Standing Counsel also submit two photostat copies of the report for perusal of this Bench.

4. Respondents shall also place on record while filing affidavits that under what circumstances the final report has been filed with regard to some of the matter along with related particulars.
5. In case affidavits are not filed in terms of the order passed, Principal Secretary, Home and Principal Secretary, Food & Civil Supplies, Govt. of U.P., Lucknow shall appear in person along with record to assist the Court.
6. Sri Bireshwar Nath submitted status report on behalf of C.B.I., which is taken on record.
7. The C.B.I. is proceeding with the investigation with regard to two districts, 8 cases of Ballia and 1 case of Lakhimpur Kheri, total 9 cases. It has been stated by Sri Bireshwar Nath that only one Inspector and 4 SubInspectors have been provided by the State Government to assist the C.B.I.
8. Keeping in view the damages caused to the public exchequer in the food scam, we direct the Principal Secretary, Home, Govt. of U.P. as well as the Director General of Police, U.P. to provide sufficient staff to the C.B.I. to proceed with the investigation expeditiously. It has been brought to the notice of this Court that C.B.I. had already made a request to the State Government to provide necessary staff. In case request has been made, we expect that the State Government shall provide necessary staff in terms of the request made by the next date of listing.
9. The report submitted today by Sri Bireshwar Nath, learned counsel for C.B.I., be kept in sealed cover with the Registrar of this Court.
10. Let a certified copy of this order be given to the counsel for parties by tomorrow, i.e. 24.12.2009 with free of cost.