

GAHC010178602018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.L.P./105/2018

CENTRAL BUREAU OF INVESTIGATION
ANTI CORRUPTION BRANCH, SHILLONG, MEGHALAYA 793001,
REPRESENTED BY HEAD OF BRANCH.

VERSUS

SMT. VAHLHAI DOUNGEL
THE THEN BLOCK DEVELOPMENT OFFICER, SANGABAR, DEVELOPMENT
BLOCK, N.C. HILLS, ASSAM.

Advocate for the Petitioner : MR. S C KEYAL

Advocate for the Respondent : MR Z KAMAR

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 29-05-2024

Heard Mr. M. Haloi, learned standing counsel for the CBI and Ms. P.K. Sarma, learned counsel appearing on behalf of Mr. Z. Kamar, learned senior counsel for the respondent.

2. This is a criminal leave petition filed under section 378 Cr.P.C. against the impugned judgment and order dated 31.10.2017 passed by the learned Special Judge, CBI no.3 in Special case no.09/2013 under section 120B/409/420/468/471 IPC read with section 13(2) and read with section 13(1) (c) and (d) of P.C. Act, 1988 whereby the respondent was acquitted in a case of misappropriation of funds and set her at liberty.

3. It is submitted by Mr. Haloi, that there are sufficient materials against the present respondent who being a BDO at the relevant time of incident had misappropriated the funds and counter signed those cash memos/ vouchers which were submitted before her. Accordingly, a criminal appeal has been preferred against the order of acquittal passed by the learned Special Judge, CBI no.3.

4. Considering the submission made by the learned standing counsel for the CBI and the grounds set out in the connected criminal appeal, leave has been granted to file the criminal appeal against the judgment and order of acquittal passed by the learned Special Judge, CBI no.3 in Special case no.09/2013.

5. The Registry is accordingly directed to register and number the connected criminal appeal in this regard.

6. List accordingly.

JUDGE

Comparing Assistant