

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS  2024:UHC:9841
			C528 No.929 of 2024 <u>Hon'ble Pankaj Purohit, J.</u> Mr. Shobhit Saharia, learned counsel, for the applicants. 2. Mr. Piyush Garg, learned counsel, for the CBI/respondents. 3. By means of the present C528 application of the BNSS, 2023, the applicants have put a challenge to the entire proceedings of the CBI Miscellaneous Case No.23 of 2014, "CBI Vs. Lt. Col. Shailendra Grover and others", under Sections 120B, 420, 468 and 471 of IPC read with Sections 13 (2), 13(1) (d) of the Prevention of Corruption Act, 1988, pending in the court of Special Judge, CBI, Dehradun. 4. It is the contention of the learned counsel for the applicants that a notice inviting tender was issued on 06.06.2009, and the tender was allotted in favour of the applicant/company on 16.07.2009. It is also contended by the learned counsel for the applicants that the work has already been completed in the year 2010. Sometimes in the year 2012, a complaint was made by one Shri Ghasiram, Chief Engineer, of the Border Road Organization, alleging large scale of malpractices in the aforesaid contract. 5. After conducting the preliminary inquiry by the

		CBI, the First Information Report was lodged by the CBI on 22.09.2012, against the applicant and others, under Sections 120B, 420, 468 and 471 of IPC read with Sections 13 (2), 13(1) (d) of the Prevention of Corruption Act, 1988, and after investigation the CBI has submitted its charge-sheet on 26.02.2014.
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		6. On the said charge-sheet, the cognizance was taken by the learned Special Judge, CBI, on 30.07.2014, and the trial proceeded against the applicants and other co-accused, and no charges under Sections 13 (2), 13(1) (d) of the Prevention of Corruption Act, 1988, were framed against the applicant no.2, who claim to be the Director of the company and a private person.
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		7. It is also contended by the learned counsel for the applicants that even if the entire FIR is taken as a truth, no offence is made out against the applicants. Against this, learned counsel for the CBI submitted that the contract, which was given to the applicants, was of supplying the materials for construction of the border road of Joshimath-Malari, District Chamoli, and the material which the applicants were to supply was stone grits of certain specifications, and the specifications were already mentioned in the tender documents. It is further submitted by the learned counsel for the CBI that the applicants had submitted fake bills from the stone-crusher situated at District Haridwar, and when the inquiry was made, it was found that the grits which were supplied by the applicants was
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procured from the place where the road was under construction and thereby the material supplied by the applicants, whereof, were found sub-standard and the test reports, affidavit of supplier were found fake after investigation, and therefore, the charge-sheet was submitted against the applicants.

8. Having heard the learned counsel for the parties, and having perused the FIR, this Court is of the opinion that the contention raised by the learned counsel for the applicants that if taken the entirety of the prosecution case to be true, no case is made out against the applicants, are totally misconceived and unfounded.

9. This Court is of the view that it is after more than 9 years, the applicants are before this Court challenging the entire proceedings of the case, in this view of matter, the interference is not warranted.

10. From the perusal of the material available on record, it transpires that the matter can only be scrutinized by the evidence during trial, and therefore, this Court cannot interfere at this stage. Accordingly, the C528 application is dismissed.

(Pankaj Purohit, J.)

23.12.2024

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