



CGHC010002862018

2026:CGHC:36531-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 158 of 2018

State of Chhattisgarh Through Superintendent of Police Crime Investigation Cell, Police Headquarter Raipur District Raipur Chhattisgarh

... Applicant

versus

1- Gopi Jumnani S/o Shri Purushottam Jumnani Aged About 42 Years R/o Kadambari Nagar Durg Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

2 - Mahendra Singh Thakur S/o Raghunandan Singh Thakur Aged About 68 Years The Then District Marketing Officer, Durg R/o Ward No. 4, Gyanagar Durg Tahsil And District Durg Chhattisgarh

3 - Govind Yadav S/o Guharam Yadav Aged About 60 Years Assistant Account Marketing Office Durg R/o Goverdhan Chowk Baigapara, Durg Tahsil And District Durg Chhattisgarh

... Respondents

For State/Applicant : Mr. S.S. Baghel, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

17.08.2026

1. Heard on I.A. No. 01 of 2018, which is an application for condonation of delay of 09 days in filing the appeal.

2. The cause shown in the said application is found to be sufficient, accordingly, I.A. No. 01 of 2018 is allowed. Delay in preferring the instant petition is allowed.
3. The State has sought leave to appeal against the impugned judgment of acquittal dated 15.09.2017 passed in Sessions Case No. 28/2010 by the Court of Special Judge (Prevention of Corruption Act), Durb (C.G.) whereby the learned trial Court has acquitted the accused/respondent No.1 from the charges punishable under Sections 120B, 409, 420, 467, 468 read with Section 34 of IPC and further acquitted the accused / respondent Nos. 2 & 3 from the charges punishable under Sections 120B, 409, 420, 467, 468 read with Section 34 of IPC and U/s 13(1)D of Prevention of Corruption Act, 1988 holding that the prosecution has failed to prove the charges beyond reasonable doubt.
4. The prosecution story, in brief, is that, in accordance with the policy of the Government, for the Kharif Marketing Year 2006–2007, contracts were executed for the custom milling of paddy procured for the Food, Civil Supplies and Consumer Protection Department from the storage centres/co-operative societies, and for depositing the proportionate quantity of rice with the Civil Supplies Corporation/Food Corporation of India. Under the said arrangement, the millers were required to deposit a bank guarantee/FDR with the Marketing Office, Durg, for lifting the paddy, or, in proportion to the quantity of paddy lifted, deposit rice

of the same variety with the Civil Supplies Corporation/Food Corporation of India and produce the receipt thereof. On the aforesaid basis, the District Marketing Office, Durg, with the permission of the Food Controller, issued Delivery Orders (DOs) specifying the type and quantity of paddy to be lifted from the concerned storage centre/co-operative society. Pursuant to the DOs, the millers lifted the paddy and, after milling, were required to deposit 67% of the quantity in the case of raw rice and 68% in the case of parboiled rice, of the same variety, with the concerned Corporation. Sarna paddy was not allotted for parboiled milling. Upon production by the millers of the receipts evidencing deposit of rice with the Food Corporation, a further DO was issued for lifting the prescribed quantity of paddy. A second contract could be executed only after the entire quantity stipulated under the first contract had been lifted.

5. The proprietor of M/s Balaji Industries, Jevra-Sirsa, District Durg, namely Gopi Jumnani, submitted an application on 22.12.2006 for obtaining paddy in the name of Balaji Industries from the Food Control Office, Durg, for custom milling for the year 2006–2007. Pursuant thereto, the Food Controller, Durg, vide Permission Letter No. 423-22.12, permitted him to lift 600 thousand quintals of Sarna paddy from various storage centres and, after execution of an agreement with the Marketing Officer, Durg, to lift the paddy from the specified centres according to the quantity mentioned therein, process the same in his rice mill and deposit the resultant

rice with the FCI and the Civil Supplies Corporation in accordance with the prescribed conditions. For obtaining the said permission, he had deposited a bank guarantee of ₹20,00,000/- with the Marketing Federation Office, Durg, along with the agreement. However, in respect of the 600 thousand quintals of Sarna paddy mentioned in the permission letter, he, without obtaining permission, without executing an agreement and without furnishing the requisite bank guarantee, in conspiracy with the officials of the Marketing Federation and by extending indirect financial benefits to them, lifted 17,960 quintals of Sarna paddy, which was 11,960 quintals in excess of the quantity permitted, having a value of approximately ₹43,72,000/-, whereas he had deposited only ₹20,00,000/- by way of bank guarantee. Upon information being received regarding irregularities committed by rice millers in the procurement and sale of paddy at the support price and in the custom milling process, a special team was constituted for conducting an investigation.

6. During the investigation, factual information was collected, and documents were obtained regarding the manner in which the custom milling of raw rice from paddy procured at the support price during the year 2006–2007 was required to be undertaken in accordance with the prescribed quantity, permissions and directions. Ultimately, it was found that the work had not been carried out in accordance with the permission granted under the aforesaid agreement. Rather, the proprietor of M/s Balaji

Industries, in collusion with the District Marketing Officer, Assistant Accounts Officer and Senior Assistant posted at the Chhattisgarh State Marketing Federation Maryadit, Durg, and pursuant to a mutual understanding, had allegedly entered into a criminal conspiracy to extend or obtain undue financial benefit. Upon the said allegations being found substantiated, Crime No. 0/2007 was registered against the accused persons under Sections 120-B, 409 and 420 of the Indian Penal Code. As the place of occurrence fell within the jurisdiction of Police Station Mohan Nagar, the case diary was transferred to Mohan Nagar for further investigation, where FIR bearing Crime No. 177/2007 was registered and further proceedings were undertaken. During the course of investigation, various documents, including the permission letter issued by the Collector (Food Branch) for custom milling of paddy, were seized.

7. During the course of investigation, the service records, posting orders and other necessary documents and information relating to accused Mahendra Singh Thakur and Govind Yadav were collected, and sanction for their prosecution was obtained. Statements of witnesses were recorded, and the accused persons were arrested. Upon finding sufficient evidence of the commission of the offences and after completion of the necessary investigation, a charge-sheet was filed against the accused persons under Sections 120-B, 420, 409, 467 and 468 read with Section 34 of the Indian Penal Code and Section 13(1)(d) of the Prevention of Corruption Act, 1988. The case was registered as

Special Case No. 05/2010.

8. Learned Trial Court framed charges against accused Gopi Jumnani under Sections 120-B, 420, 409, 467 and 468 read with Section 34 of the Indian Penal Code, and against accused Mahendra Singh Thakur and Govind Yadav under Sections 120-B, 420, 409, 467 and 468 read with Section 34 of the Indian Penal Code and Section 13(1)(d) of the Prevention of Corruption Act, 1988. The charges were read over and explained to the accused persons. Upon the accused persons denying the charges, they claimed to be tried.
9. In support of its case, the prosecution examined Smt. Rasida Sahu (PW-1), Narayan Prasad Umre (PW-2), Anil Kumar (PW-3), Hukamdas Manikpuri (PW-4), P.S. Maravi (PW-5), Hridayanand Singh (PW-6), Shripal Khes (PW-7), Vedram Bhaskar (PW-8), Sudhir Kumar Singh Sisodia (PW-9) and Devilal Baghel (PW-10).
10. On behalf of the prosecution, the seizure memo of property, marked as Exhibit P-1; the First Information Reports, marked as Exhibits P-2 and P-3; the permission granted by the Collector (Food Branch), Durg, in respect of the contracted quantity for custom milling of paddy procured at the support price, marked as Exhibit P-4; the order granting sanction for prosecution, marked as Exhibit P-5; and the information relating to custom milling for Kharif Year 2006–2007, marked as Exhibit P-6, were duly exhibited.

11. After the examination of the prosecution witnesses, the accused persons were examined under Section 313 of the Code of Criminal Procedure. Upon being afforded an opportunity to enter into their defence in accordance with Section 233 of the Code of Criminal Procedure, the accused persons stated that the depositions of the prosecution witnesses were false and that they had been falsely implicated in the case.
12. After appreciating the evidences on record, the learned trial Court did not believe the evidence produced by the prosecution proving guilt of the accused/ respondents, and therefore, acquitted them from the offence charged vide impugned judgment dated 15.09.2017 hence, present Criminal Miscellaneous Petition has been filed by the State seeking leave to appeal.
13. Mr. S.S. Baghel, learned Government Advocate appearing for the applicant/State submits that the learned Trial Court has committed a serious error of law and fact in acquitting the respondents by failing to appreciate the prosecution evidence in its proper perspective and by considering the material circumstances in isolation rather than cumulatively. He further submits that the prosecution case is not founded merely upon a procedural irregularity in the custom milling of paddy, but upon a deliberate and systematic violation of the Government-prescribed mechanism under which the miller was permitted to lift paddy only after obtaining the requisite permission/Delivery Order, executing

the prescribed agreement and furnishing the required security, and was thereafter required to deposit the prescribed quantity of rice with the concerned Corporation/FCI before further quantities could be released. The prosecution specifically alleged that accused Gopi Jumnani, proprietor of M/s Balaji Industries, in connivance with the concerned officials of the Marketing Federation, lifted paddy beyond the quantity permitted and without complying with the requisite formalities, thereby causing substantial pecuniary advantage to the private accused and corresponding loss/risk to Government property. The alleged excess lifting of 11,960 quintals, valued at approximately ₹43.72 lakh, coupled with the alleged acts and omissions of the public servants, was a material circumstance requiring proper consideration. The existence of a criminal conspiracy is ordinarily established from surrounding circumstances and concerted conduct, and therefore the absence of direct evidence of an express agreement or payment of money cannot, by itself, be a ground to discard the prosecution case. The documentary evidence, including the permission letter, seizure memo, FIRs, sanction order and material relating to custom milling, was required to be considered along with the oral testimony of the prosecution witnesses so as to determine whether the accused persons had acted pursuant to a common design to facilitate unauthorized lifting of Government paddy and obtain/extend undue pecuniary advantage.

14. We have heard learned counsel for the State, perused the record

of the learned Trial Court and examined the evidence and documents relied upon by the prosecution.

15. It is true that while considering an application under Section 378(3) of the Code of Criminal Procedure, the Court is required to examine whether a prima facie case or an arguable point has been raised and, at that stage, it is not required to finally determine whether the acquittal would ultimately be reversed. However, the recent judgment of the Hon'ble Supreme Court in ***Manoj Rameshlal Chhabriya v. Mahesh Prakash Ahuja & Anr.***, **2025 INSC 282**, makes it equally clear that grant of leave is not automatic and that the High Court must apply its mind to the relevant material and record reasons where leave is declined.
16. In the present case, on an examination of the material placed by the prosecution, the learned Trial Court has considered the oral as well as documentary evidence and has found that the prosecution failed to establish the essential ingredients of the offences alleged against the respondents beyond reasonable doubt. The prosecution has not been able to demonstrate, by cogent and reliable evidence, the existence of a prior meeting of minds or concerted design between the private accused and the public servants so as to constitute criminal conspiracy under Section 120-B IPC. Mere irregularity or alleged deviation from the prescribed procedure relating to lifting of paddy, in the absence of reliable evidence establishing the conscious participation and

dishonest intention of each accused, cannot by itself furnish the basis for sustaining a conviction for conspiracy, cheating, criminal breach of trust or the offences relating to forgery. Likewise, the prosecution has failed to establish through convincing evidence that the concerned public servants, by corrupt or illegal means or by abusing their official position, obtained for themselves or for any other person a valuable thing or pecuniary advantage so as to attract Section 13(1)(d) of the Prevention of Corruption Act, 1988, as applicable to the alleged occurrence. The alleged excess lifting of paddy, even if taken into consideration, does not by itself prove the requisite criminal intention, much less the existence of an agreement between the accused persons to commit the alleged offences. The documentary evidence produced by the prosecution also does not conclusively establish that the respondents fabricated or used any false document with the requisite mens rea so as to attract Sections 467 and 468 IPC.

17. It is a settled principle that an order of acquittal carries with it a strengthened or double presumption of innocence in favour of the accused. In ***Chandrappa & Ors. v. State of Karnataka, (2007) 4 SCC 415***, the Hon'ble Supreme Court held that although an appellate Court has full power to review, reappraise and reconsider the evidence in an appeal against acquittal, the presumption of innocence is reinforced by the acquittal and, where two views are reasonably possible, the view favourable to the accused should ordinarily be adopted. The said principle has

consistently been reiterated, inter alia, in ***Ghurey Lal v. State of U.P.*, (2008) 10 SCC 450**, wherein the Supreme Court emphasized that the appellate Court must attach due weight to the acquittal recorded by the Trial Court and interfere only for substantial and compelling reasons. Similarly, in ***Muralidhar @ Gidda v. State of Karnataka*, (2014) 5 SCC 730**, the Supreme Court reiterated that where the view taken by the Trial Court is a possible and reasonable view of the evidence, the appellate Court should not substitute its own view merely because another view is also possible.

18. In the present case, the findings recorded by the learned Trial Court cannot be said to be perverse, manifestly illegal or wholly contrary to the evidence on record. The view taken by the Trial Court is a reasonably possible view based upon the evidence adduced by the prosecution, and the State has not been able to point out any material piece of evidence which has been completely ignored or any finding which is demonstrably contrary to the record. Mere availability of another possible interpretation of the evidence is not sufficient to warrant interference with an order of acquittal. Even applying the comparatively less stringent threshold applicable at the stage of consideration of leave, as explained in ***Manoj Rameshlal Chhabriya*** (supra), the material on record does not disclose such a prima facie arguable case as would justify subjecting the respondents to an appellate trial.

19. Consequently, this Court finds no sufficient ground to grant leave to appeal. The Criminal Miscellaneous Petition seeking leave to appeal against the judgment of acquittal dated 15.09.2017 is, accordingly, **rejected**. The acquittal of the respondents is hereby maintained.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice