

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 480 of 2015

Praveen Deshlahra S/O Shri Hemshankar Deshlahra Aged About 27 years
Proprietor- Shankar Rice Mill, R/O Village- Chainganj, Police Station-
Gunderdehi, District- Balod, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station-
Gunderdehi, District Balod, Chhattisgarh

---- Non-applicant

For applicants : Shri Prateek Sharma, Advocate.
For Non-applicant/ State : Shri R.K.Gupta, Dy.A.G.

Order On Board

01/07/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.213/14 registered at Police Station – Gunderdehi, District- Balod, (CG) for alleged commission of offence under Section 384 of the IPC and Sections 3 & 4 of the Karja Act.

2. Case of the prosecution is that while obtaining quantity of paddy for milling, the applicant could not deposit the proportionate quantity of milled rice nor deposited the amount payable towards shortfall of rice. Thus, the applicant misappropriated the paddy and cheated the government authorities.

3. Learned counsel for the applicant submits that present is a dispute of reconciliation

of account. He submits that according to the agreement, shortfall is required to be compensated by the rice miller. He submits that though FIR was lodged in the month of November, 2014 alleging that Rs.66 lakhs are required to be deposited, upon reconciliation, vide order dated 22/01/15 (Annexure A/4), the District Marketing Officer has informed the Collector that the applicant has deposited Rs.48,04,414/- and no further recovery is pending.

4. On the other hand, learned State counsel submits that even if the applicant has deposited approximately Rs.48 lakhs, according to FIR, he was required to deposit more than Rs.66 lakhs towards shortfall. Therefore, it is a prima facie case of misappropriation and cheating is made out.

5. Prima facie, perusal of the case diary shows that the applicant was handed over paddy for milling and after he supplied milled rice to marketing federation, short fall was found, in respect of which, approximately Rs.66 lakhs were demanded. As that was not done, FIR was lodged against the applicant. However, the applicant has placed relevant letter dated 22/01/2015 (Annexure A/4) of District Marketing Officer addressed to the Collector which shows that the applicant has deposited a total amount of Rs.48,04,414/- and according to him, for the year 2013-14, no other recovery is to be made against the applicant.

Therefore, in view of the above circumstances, custodial interrogation of the applicant does not appear to be necessary. Accordingly, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with two local sureties for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
JUDGE

Deepti