

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 740 of 2015

Ghanshyam Jatwar S/o Late Darashram Aged About 58 Years R/o Ramnagar, Mudapar, Korba, Civil And Revenue District Korba, District - Korba (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Of Police Station Balco Nagar, Korba, District - Korba (Chhattisgarh).

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Order On Board

18/08/2015

Heard.

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 106/2015, registered in Police Station -Balco Nagar, Korba, for alleged commission of offence under Section 409 of the IPC.
2. Case of the prosecution, in brief, is that the applicant, during his posting as Principal (Diet), misappropriated public fund to the tune of Rs.7,61,809/-.
3. Learned counsel for the applicant submits that the applicant is alleged of misappropriation on the basis of audit report which is not correct. He submits that there may have been irregularities in the purchase, but, it cannot be said that items against which payments have been made were not available upon verification.
4. On the other hand, learned counsel for the State submits that upon physical verification, large number of items in respect of which payments is alleged to have been made to shopkeepers, were not found. Therefore, a prima facie case is made out against the applicant.
5. Taking into consideration the submissions made by learned counsel for the parties, considering the nature of allegation and the material, particularly that against several

items payments were made, but those items were not found upon physical verification,
I am not inclined to allow the application.

6. The application is accordingly rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Praveen