

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 547 of 2015**

Kishan Gupta S/o Wasudev Prasad Gupta Aged About 64 years R/o - Gali No. 2,
Jabdapara , P.S. - Sarkanda, Tahsil & Distt. Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Out Post - Sakri, Police Station - Chhakarbhata Distt.
Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Shri V.C. Ottalwar, Advocate
For Respondent/State	:	Shri R.K. Gupta, Dy.A.G. for the State.

Order**11/08/2015**

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.281/2014, registered in Police Station- Chhkarbhata, District-Bilaspur, for alleged commission of offence under Section 409 of the IPC.

Case of the prosecution, in brief, is that during the period the applicant was holding charge of the Storage Depot, huge quantity of paddy was found missing and it is alleged that the applicant is liable for the alleged offence of misappropriation of paddy.

Learned counsel for the applicant submits that the allegation of shortage against the applicant has been exaggerated on the basis of an audit report which is factually incorrect. He submits that the period in respect of which the quantity of storage was required to be computed was only for the limited season of procurement. It is next contended that if proper computation is made, the percentage of shortage would be around 1.27 % only, which is permissible on account of other losses not attributable to the applicant.

On the other hand, learned counsel for the State submits that during the period the applicant was posted and was having complete charge of the Storage Depot, inquiry was made and upon examination of records, it has been found that there was shortage of 18067qtl. of paddy which is almost 4% .

Taking into consideration the submissions made by learned counsel for the parties, taking into consideration that the applicant was the In-charge and that the allegations against the applicant are of shortage of more than 18000 qtl. of paddy based on report of various authorities including audit report, I am not inclined to grant bail to the applicant.

The application is accordingly rejected.

Sd/-

(Manindra Mohan Shrivastava)
JUDGE