

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 818 of 2015

Leos Kujur S/o Late Piyo Kujur Aged About 62 Years R/o Bhartiya Nagar, Bilaspur,
P.S. Civil Lines Bilaspur, District - Bilaspur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : The In-Charge Officer, Anti-Corruption Bureau, District
- Raipur (Chhattisgarh).

---- Respondent

For Applicant	:	Dr. N.K. Shukla, Senior Advocate with Shri Mateen Siddiqui, Advocate.
For Respondent /State	:	Shri Vivek Sharma, Government Advocate.

Order On Board

15/09/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.51/2009 registered at police station – Anti-Corruption Bureau, District-Raipur for alleged commission of offence under Section 420, 467, 468, 471, 120-B read with Section 34 of IPC & Section 13(1), D, 13(2) Prevention of Corruption Act.
2. Prosecution case is that in the matter of preparation of merit list, marks were awarded by the Scrutiny Committee to candidates even though those candidates were not actually possessed of the relevant certificates entitling them to such marks. In this manner, merit list was prepared in order to extend undue favour to undeserving candidates in the matter of appointment of Shikshakarmi. The allegation against the applicant is that at the relevant time, the applicant was posted as Additional Chief Executive Officer in Jila Panchayat, Kanker and he was overall In-charge of selection and it is alleged that the applicant in his capacity as such, approved the select list, which was based on the scrutiny of applications by the Scrutiny Committee working under his direct supervision.
3. Learned counsel for the applicant submits that the applicant was only supervisory authority. The scrutiny was actually undertaken by Scrutiny Committee consisting of three

members. This committee scrutinized the documents testimonials of the candidates and on that basis, prepared the chart showing marks awarded for various attributes of merit. The applicant approved this list only as supervisory authority in bonafide discharge of his duty that the Scrutiny Committee had duly and properly scrutinized the testimonials certificates of the candidates and awarded marks as per those records. As the Scrutiny Committee had undertaken its jurisdiction, in the event of there being any allegation as is being leveled in the present case, the applicant cannot be held criminally liable as it would only be a case of negligence in supervision.

4. On the other hand, learned counsel for the State opposes prayer and submits that the direct supervision of the applicant in the scrutiny of applications by the Scrutiny Committee and thereafter, approval of the list prepared by Scrutiny Committee, prima facie involved the applicant in the commission of offence.

5. Taking into consideration the aforesaid submissions of learned counsel for the parties, particularly, taking into consideration that the applicant was posted and working as Additional, Chief Executive Officer and that as per the note-sheet placed on record as Annexure-A/10, there was constituted a Scrutiny Committee of three officers of which applicant was not a member but the applicant had later on, signed the list after scrutiny conducted by three member committee, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

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