

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No. 77 of 2015
[Shabbir Alim son of Mohd. Alim Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. R.M. Patwardhan, Adv., for the Applicant.
Mr. Bhoyar, APP for respondent.

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CORAM : A.B. CHAUDHARI, J.

DATE : 17th June, 2015.

Heard learned counsel for the rival parties.

Perused the record, so also the orders made by the Co-ordinate Bench of this Court granting anticipatory bail to some of the Officers of the Govt.

In so far as the present applicant is concerned, the allegation is that the applicant was not authorized by United Gensets as authorized agent to supply generator sets. Learned counsel for the applicant pointed out to me the affidavit filed by one Shri K.B. Shete on behalf of United Gensets, so also the Certificate issued by the same person on behalf of United Gensets saying that the Applicant was the authorized agent.

As against that, Mr. Bhoyar, learned APP, has pointed out to me the letter issued by Mahindra & Mahindra to some of the offices of the Govt. showing that the United Geneset was authorized, which is, of course, wholly irrelevant. Mr. Bhoyar has then pointed out the letter dated 19th June, 2013 issued by the United Gensets to the Project Officer in which it is stated that United Gensets never made any supply and, therefore, it was unable to answer anything. This letter is also irrelevant.

The case of the applicant is that acting as an agent of United Gensets, he supplied generators and obviously, therefore, the supply of the generators and payment therefor would be received by the applicant and not the United Gensets. It is, thus, clear that the prosecution is working directionless. At any rate, since the applicant provided generators sets which is an admitted position, the only issue appears to be somewhat higher costs in the matter of acquisition of the generator sets so far as applicant is concerned. But then that by itself shall not make criminal offence itself and that being so and in the light of the earlier order passed by this Court, Criminal Application No. 77 of 2015 is allowed. Rule is made absolute in terms of the interim order made by this Court on 18th February, 2015.

Judge

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