

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1097 of 2017**

Suklal Sahu S/o S/o Late Karuna Sindhu Sahu, Aged About 61 Years
R/o Sidhi Vinayak Colony, House No. 18, Indra Nagar, District
Raigarh, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station Chakradhar Nagar, Raigarh, Chhattisgarh.

---- Respondent

For the Petitioner	: Shri Mateen Siddiqui, Advocate.
For the Respondent/State	: Shri Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.08.2017**

1. Heard.
2. This petition has been brought under Section 482 of the Code of Criminal Procedure with a prayer to quash the proceedings in criminal case against the petitioner pending before the Court of Special Judge, Prevention of Corruption Act, 1988 (for short 'the PC Act'), Raigarh.
3. Learned counsel for the petitioner submits that the petitioner along with one other person have been charge-sheeted in Police Station Chakradhar Nagar, Raigarh for the trial of offences under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code and also for the offence under Sections 13(1) read with Section 13(2) of the PC Act. It is also submitted that the First Information Report dated 1.6.2016 was lodged in Police Station Chakradhar Nagar, Raigarh in which only one accused Karan Singh

Karsolia, the then Executive Engineer, Public Health Engineering Department, Raigarh was arrayed as accused. It was alleged that in the matter of floating a tender for work estimated at 21.31 lakhs, a fake publication in the Daily Newspaper – Samvet Shikar dated 20.7.2014 was procured and submitted in the department, to misrepresent that the procedure of publication has been completed and thereafter one of the contractors was benefited with the contract of the work for which tender was floated. By using a fake document of publication in Newspaper, offences of cheating, forgery, conspiracy and criminal misconduct were committed by the main accused Karan Singh Karsolia. It is submitted that the petitioner was no where in the picture but later on he has been implicated without any evidence against him. A reference has been made to the report of Public Health Engineering Department, Bilaspur Range, Bilaspur in which the reporting authority Chief Engineer, PHE, Bilaspur has exonerated the concerned from the allegations which formed part of the offence registered against the main accused and the petitioner. Hence, it is prayed that the petition deserves to be admitted and heard finally.

3. Learned State counsel has opposed the submissions made and it is submitted that although the First Information Report was recorded only against the main accused but during investigation it was found that the petitioner was also involved in the commission of the offences for which he has been prosecuted. It was required from the PHE Department, Raigarh to send the notice inviting tender for publication in Newspaper through Public Relation Office at Raipur. No such letter was sent and the records were fabricated by the petitioner. During investigation, a query was made from the Manager of Daily Newspaper Samvet Shikar, Raipur and as such a reply

was submitted dated 11.1.2016 to the Investigation Officer that no communication was received from the Office of Executive Engineer, PHC, Raigarh for publication of any notice inviting tender in the Newspaper on 20.7.2016. Hence, it was with the assistance of the petitioner who was working as Assistant Grade-II under the main accused- Executive Engineer, the offences have been committed. Hence, no case is made out for admission of this petition.

4. Perused the record.

5. After due consideration and perusal of the documents, it appears that the case is before the trial Court and the petitioner has an opportunity to make his submissions for discharge before the trial Court, as it appears that no extra-ordinary circumstance is made out in this case for use of inherent jurisdiction of this Court. Hence, this petition has no substance and it is dismissed accordingly.

Sd/-

(Rajendra Chandra Singh Samant)
Judge