

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 505 of 2017

Om Prakash Verma S/o Late Shri Manbodh Verma, Aged About 58 Years (Then Tahsildar Saja, District Durg Now Suspended Joint Collector) R/o Shanti Viharm, Rohinipuram, Deendayal Upadhyay Ward No. 6, Raipur Chhattisgarh Presently At F- 85, Meena Bazar Kududand, Police Station Civil Line, Bilaspur Tahsil And District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Officer In Charge, Police Station Anti Corruption Bureau, Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri K.A. Ansari, Senior Advocate with Shri Vipin Singh, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2017

Heard.

1. This application under Section 438 of Cr.P.C. has been preferred by the applicant apprehending his arrest in connection with Crime No.17/2006, registered in Police Station- Anti Corruption Bureau, Raipur, for alleged commission of offence under Sections 13 (1) (e), 13 (2) of Prevention of Corruption Act.
2. Case of the prosecution, in brief is that the applicant amassed wealth disproportionate to his income. There are other allegations regarding applicant's involvement in recording possession of private companies over the land of more than 100 agriculturists.

3. Learned counsel for the applicant submits that in so far as allegation of applicant involved in illegal handing over of possession to the private company is concerned, the report does not involve the applicant because the possession was entered in khasra records on the basis of an agreement to sell between the company and agriculturists, therefore, it is not criminality. It is lastly submitted that the applicant has undergone bypass surgery and if he is not protected, it will adversely affect his health.

On the aspect of disproportionate assets, learned counsel for the applicant submits that the property which are shown in the name of applicant were not purchased in the name of applicant but in the name of his wife and daughters and the applicant has all the explanation to show where from he had managed fund other than the salary.

4. On the other hand, learned counsel for the State, opposing the application, submits that within a short period of 2 years, 35 acres of land were purchased in the name of wife and daughters of the applicant which is highly disproportionate to his source of income as Nayab Tahsilar.
5. Taking into consideration the submissions made by learned counsel for the parties, considering the material available in the case diary, I am not inclined to protect the petitioner.
6. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge