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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 138 of 2018

Anand Pandey, S/o. Shri A. P. Pandey, Aged About 49 Years, R/o. House No. 110, Jabdapara, Sarkanda, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : The Secretary, Law And Legislative Affairs Department, Mantralaya, Mahanadi Bhawan, New Raipur District Raipur, Chhattisgarh.
2. The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
3. State Economic Offences Investigation Bureau Chhattisgarh, Through Superintendent of Police, Anti Corruption Bureau, Anand Nagar, in front of Jai Jawan Petrol Pump, Telibandha, Raipur, Tahsil, District Raipur, Chhattisgarh.
4. Station House Officer, State Economic Offences Investigation and Anti Corruption Bureau Raipur, Tahsil, District Raipur, Chhattisgarh.

-----Respondents

For Petitioner	: Mr. Pawan Kesharwani, Advocate
For Respondent/State.	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/07/2018

Heard.

1. This petition has been brought with prayer for issuance of appropriate writ against the respondents.

2. It is submitted by the counsel for the petitioner that Crime No.34/2016 has been registered against this petitioner in Police Station – EOW/ACB, Raipur for the offence under Section 13 (2) & 13 (1) (e) of Prevention of Corruption Act.
3. It is further submitted that the petitioner has already supplied Form No.1, 2 & 3 before the respondents No.3 & 4, which is annexed along with this petition. The details of the acquisition of the property, which has been supplied in the Form No.1, 2 & 3 have not been taken into consideration at all by the respondent authorities. In the investigation conducted by the respondents, the income of father, wife, son and brother have been included as well as ancestral property of the family has also been included showing them as acquisitions of the petitioner, which needs specific investigation by the respondents and according to the details given by this petitioner, he is convinced that no case is made out against him under the offences registered against him. Hence, it is prayed that specific direction be issued to the respondents.
4. State counsel opposes the submission made and the contents of the petition.
5. Considered on the submissions made and perused all the documents attached along with the petition and also perused the reply submitted by the respondents.
6. After due consideration of all the material present on record, this petition is disposed of at motion stage with direction to the respondent No.3 and 4 to consider on the explanation given by the

applicant in Form No.1, 2 & 3 and to also consider on any other representation to be made by him in future by allowing him to make additional submission or to produce additional documents. All the information supplied by the petitioner be verified and investigated before taking any action against him. Respondent No.2 is also directed to take into consideration the directions issued by this Court before passing any order of any report submitted by the respondents No.3 and 4.

7. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram