

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 655 of 2019

1. State Of Chhattisgarh Through State Economic Offence Investigation Bureau, Bhopal, Unit - Raipur (Madhya Pradesh) (Now Chhattisgarh.)

----- Petitioner

Versus

1. V.S. Reddy S/o V.G. Reddy Aged About 58 Years The Then Superintending Engineer, Govt. Of M.P., Water Resources Department, Hasdeo Barrage Division, Minimata Bango Dam, Machadoli, Katghora, District Bilaspur (Now District Korba Chhattisgarh.), District : Korba, Chhattisgarh
2. Rampal Singh Tomar S/o Gyan Singh Tomar Kshatri The Then Divisional Accountant, Office Of The Executive Engineer, Hasdeo Barrage Division Rampur / Korba District Bilaspur (Now District Korba Chhattisgarh.), District : Korba, Chhattisgarh
3. Suresh Singh Thakur S/o Supiyar Singh Thakur Contractor, R/o LIG/65, HUDCO Colony, Rajendra Prasad Nagar, Korba, District Bilaspur (Now District Korba Chhattisgarh.), District : Korba, Chhattisgarh

Respondents

For Petitioner/State Shri Rajnish Singh Baghel, Dy. Adv. General

Hon'ble Shri Prashant Kumar Mishra, J.

Hon'ble Shri Gautam Chourdiya, J.

Order on Board

By

Prashant Kumar Mishra, J.

20-8-2019

I.A.No.1

1. This is an application for condonation of delay in filing the Cr.M.P.
2. For the reasons mentioned in the application, the delay of 223 days in filing the Cr.M.P. is condoned.
3. Accordingly, I.A.No.1 stands disposed of.
4. Trial Court has acquitted the accused/respondents No.1 & 2 herein from the charge under Section 13(1)(d) read with Section 13 (2) of the Prevention of Corruption Act, 1988 and Sections 120-B, 420, 467 & 468 of the Indian Penal Code and acquitted the accused/respondent No.3 herein from the charge under Sections 120-B, 420, 467, 468 of the Indian Penal Code.
5. At the relevant time the accused V.S. Reddy was the Superintending Engineer at Hasdeo Barrage Division, Minimata Bango Dam, Machadoli, Katghora, Korba, in the Water Resources Department, Government of Madhya Pradesh (now Chhattisgarh) whereas the accused Rampal Singh Tomar was the Divisional Accountant and accused Suresh Singh Thakur was the contractor. Accused R.S. Wadhwa was the Executive Engineer.
6. Bids were invited for collection of toll tax over the Hasdeo Barrage Bridge for which the auction was fixed on 3-3-1994. The bids were approved by the Chief Engineer, Hasdeo Bango Project on 26-3-1994, however, before that the State Government had already published the enhanced rate of collection of toll tax by notification dated 23-3-1994 w.e.f.

1-4-1994 and all the officers were informed about the said rate. The Chief Engineer was directed to conduct fresh auction but yet the auction was approved at the old rate causing whopping loss to the public exchequer.

7. Considering the evidence available on record, we are inclined to allow the Cr.M.P. and grant leave to the State for prosecuting the acquittal appeal.
8. As a sequel, the Cr.M.P. is allowed. Let regular acquittal appeal be registered and the same be placed before the Court for consideration in the week after next.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Gowri