

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 697 of 2017**

State of Chhattisgarh through District Magistrate District - Surguja,
(C.G.)

---- **Petitioner**

Versus

Virendra Singh Sengar, S/o Hanumant Singh Sengar, aged about
61 Years, R/o Shri Krishna Colony, Durganagar, Vidisha, Police
Station Vidisha, District – Vidisha (M.P.)

---- **Respondent**

For State/ petitioner : Mr. Raghvendra Verma, G.A.

For Respondents : Mr. Rajbahadur Singh, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Judgment On Board****18/02/2019**

1. Heard on I.A. No. 01/2017, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application, delay of 103 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 30th May, 2016 passed by learned Special Judge, Prevention of Corruption Act, 1988, Ambikapur, District Sarguja (C.G.) in Special Cr. Case No. 17/2009 wherein, the said Court acquitted the respondent for the charges under Sections 9 and 13 of the M.P. Vinirdisth Bhrastachar Nivaran Adhiniyam, 1982.

5. The core issue of consideration is whether the respondent has dishonestly manipulated the evaluation of tenders with an object of giving benefit to a particular tenderer or entered into conspiracy with any other tenderer in order to eliminate the competition for the purpose of pushing one of the collusive low rate tender for acceptance and whether he exceeded the limit of allotment for purchasing the article.
6. To substantiate the charged the prosecution examined as many as five witnesses. Mahesh Ram (PW-1) who was an Accountant in the office of Executive Engineer, Rural engineering services division, Ambikapur deposed that at the time of work no irregularities were committed and whatever articles were purchased, were purchased in low rate. No one is examined before the trial court to say that the property is purchased in higher rate than that of rate of small industry corporation of the State.
7. From the entire evidence it is not established that the respondent purchased the article in higher rate than the prescribed rate or to the supply rate of any corporation constituted by the state.
8. There is no evidence that articles were purchased in excess of allotment for the said article for the financial year by the Government. The trial court considered the entire evidence and recorded that charges levelled against respondent is not established because evidence to that effect is lacking on record.

9. After going through the record, this Court has no reason to substitute a contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
10. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge