

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2732 of 2019

State Of Chhattisgarh Through State Economic Offence Investigation Bureau, Bhopal, Unit Raipur Chhattisgarh.

---- Petitioner

Versus

1. R.D. Pandey (Since Died) S/o Ramnarayan Pandey
2. Dr. Umashankar Jaiswal S/o Shobhadin Jaiswal Aged About 52 Years The Then President, Special Area Development Authority, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
3. G.P. Rathore S/o Shiv Rathore Aged About 45 Years The Then Incharge Executive Engineer, Special Area Development Authority, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
4. N.S. Rathore S/o Sukhram Rathore Aged About 33 Years The Then Assistant Engineer, Special Area Development Authority, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
5. Dharmpal Arora Owner New Vicky Furniture Mart, Panchkuiya, New Delhi., District : New Delhi, Delhi

---- Respondents

For Petitioner/State : Smt. Fouzia Mirza, Addl. A.G.

D.B. :Hon'ble Shri Justice Manindra Mohan Shrivastava & Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

10/03/2021

Heard on prayer for condonation of delay and grant of leave to appeal.

1. The application has been filed before this Court after inordinate delay of 589 days and the ground stated in the application, except legal submissions, are bereft of any factual submission providing justification for such a long delay.

2. Even otherwise, after going through the impugned judgment and the records of the case, we find that the learned Court below has minutely scrutinized the evidence on record and has taken into consideration the failure of the prosecution to come out with specific evidence, rules, regulations applicable in the local body with regard to purchase of articles. Further more, the allegation of purchasing of furniture is more against one of the respondent/accused R.D. Pandey, who died. As far as role of other accused/respondents is concerned, after going through the impugned judgment, we do not find that the learned trial Court has committed any illegality or perversity, by ignoring any material evidence, to come to the conclusion that the prosecution has failed to prove its case.
3. Therefore, given the limited scope of interference against the judgment of acquittal, present is not a fit case for grant of leave to appeal.
4. The petition (Cr.M.P.) is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge