

(2019) 08 CHH CK 0118

Chhattisgarh High Court

Case No: Criminal Miscellaneous Petition (CRMP) No. 655 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

V.S. Reddy And Ors

RESPONDENT

Date of Decision: Aug. 20, 2019

Acts Referred:

- Prevention Of Corruption Act, 1988 - Section 13(1)(d), 13(2)
- Indian Penal Code, 1860 - Section 120B, 420, 467, 468

Hon'ble Judges: Prashant Kumar Mishra, J; Gautam Chourdiya, J

Bench: Division Bench

Advocate: Rajnish Singh Baghel

Final Decision: Allowed

Judgement

Prashant Kumar Mishra, J

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. 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.