

Ravi Sinha Vs State of Jharkhand

Court: Jharkhand High Court

Date of Decision: Aug. 29, 2008

Acts Referred: Penal Code, 1860 (IPC) â€” Section 120B, 420, 467, 468, 471
 Prevention of Corruption Act, 1988 â€” Section 13

Hon'ble Judges: Rakesh Ranjan Prasad, J

Bench: Single Bench

Judgement

R.R. Prasad, J.

Heard learned Counsel appearing for the appellant and learned Counsel appearing for the CBI on the matter of bail.

2. Learned Counsel appearing for the appellant submitted that the appellant, the Director of M/s. Anqill Medichem (India"") Pvt. Ltd. having been

convicted for the offences under Sections 420, 467, 468, 471, 473, 474, 477A read with Section 120(B) of the Indian Penal Code and also u/s

13(D) of the Prevention of Corruption Act was awarded maximum sentence for five years for one of the offences on the allegation that the

appellant did receive a sum of Rs. 5,90,306/- on the basis of fake supply order and invoices though supply of the medicine was made to the extent

of Rs.2,94,856/- but the prosecution has utterly failed in establishing the said accusation. On the contrary, the Investigation Officer (P.W.941 has

admitted that during search of the dispensary by P.W.87, medicines which the appellant claimed to have supplied were found even in the year

1996, though the same had been supplied in the year 1992 and this also acts established from Annexure A/9 and the Investigation Officer further

admits that endorsement regarding receipt of the medicines supplied by the appellant is there in the registers of the D.A.H.O office, Dumka,

T.V.O, Raneshwar, D.A.H office, Jarmundi, T.V.O, Karbandiha. That apart, the appellant has produced evidences oral as well as documentary

that medicines which have claimed to have supplied were manufactured by the appellant's company which were dispatched by a Transport

Company to the offices where delivery was affected and in support of these facts, documents such as copies of bilties received back in the office

of the Company after delivery of the goods marked as Exts. J/1 and J/1/1, gate passes Exts. K/1 and K/1/1 were produced but the case of the

defence was disbelieved simply on the ground that only cartoons have been shown to have been dispatched to the D.H.O office and that medicines

which were shown to have been dispatched on 4.9.1992 have been received in the office on 23.9.1992 after much delay creating doubt and that

supply order was never produced by the appellant to show that the medicines had been supplied, pursuant to supply order but the fact was that

supply orders had been seized by the CBI which was shown by producing Exts. A/5 and P/2 and the other ground on which case of the appellant

was disbelieved is untenable and that all these circumstances go to show that the appellant, in fact, had supplied the medicines for which payment

was taken and as such appellant did not commit any offence whatsoever.

3. It was also submitted that the appellant had also been made Weused in other cases such as R.C.20(A) of 1996 and R.C.45(A) of 1996 on the

same allegation but the Investigating Officer on verifying the allegation did find that the appellant, in fact, had supplied the medicines to the

department and thereby the appellant was never sent up for trial in those cases.

4. As against this, learned Counsel appearing for the CBI submitted that the appellant is none other than son of S.B. Sinha who is said to be main

perpetrator of the scandal known as "Fodder Scam" and the appellant amassed huge property and that the trial court on the basis of materials

showing circumstances and manners under which accused person misappropriated large amount has rightly convicted the appellant.

5. This is war, replied by learned Counsel appearing for the appellant that admittedly no case relating to disproportionate asset has been initiated

against the appellant.

6. Regard being had to the facts and circumstances of the case during the pendency of this appeal, the above named appellant is directed to be

enlarged on bail on furnishing bail bond of Rs. 20.000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of

Special Judge VII, CBI, (AHD Scam Case), Ranchi in R.C. No. 39(A) of 1996.