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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VISHAL DHAGAT
ON THE 5th OF DECEMBER, 2023
MISC. CRIMINAL CASE No. 52030 of 2023**

BETWEEN:-

**SOHAN LAL VISHWAKARMA S/O SHRI KOMAL PRASAD
VISHWAKARMA, AGED ABOUT 31 YEARS, R/O
SINGHULI TEHSIL SIHORA DISTRICT JABALPUR (M.P.)
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI ROHIT PATEL - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION SIHORA DISTRICT JABALPUR (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI S.P.CHADAR - ADVOCATE)

MISC. CRIMINAL CASE No. 51751 of 2023

BETWEEN:-

**PUSHPA KOSHTA W/O GANPATLAL KOSHTA, AGED
ABOUT 67 YEARS, OCCUPATION: HOUSE WIFE R/O 166
NORTH MILONIGANJ GOVIND BALLABH PANTH WARD
P.S. GOHALPUR DISTRICT JABALPUR (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI PRIYANK CHOUBEY - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION SIHORA DISTRICT JABALPUR (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI S.P.CHADAR - GOVT. ADVOCATE)

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These applications coming on for admission this day, the court passed the following:

ORDER

These are first applications filed by the applicants under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail relating to FIR No.754/2023 registered at Police Station-Sihora District-Jabalpur (M.P.) for the offence under Sections 417, 420, 468, 120-B, 34 of IPC.

2. According to prosecution story, one Rohit Singh Baghel District Marketing Officer, Jabalpur lodged a written complaint regarding requisition of Moong dal between 12.06.2023 to 15.08.2023 at requisitioning centres namely by (i) Naari Ajeevika Gram Sangathan Swasahayata Samooh Majhauri Naseem Warehouse Godown No.78, (ii) Seva Sahkari Samiti Lakhanpur Devyani Warehouse Godown No.114, (iii) Shiv Shakti Warehouse Godown No.148. Applicant -Sohanlal Vishwakarma is Operator in Naari Ajeevika Gram Sangathan Swasahayata Samooh Majhauri Naseem Warehouse Godown No.78 and applicant-Pushpa Koshta is Manager of Shiv Shakti Warehouse Godown No.148. An enquiry committee was constituted on 14.08.2023 to check requisitioning of Moong dal by said Centres. Enquiry team filed it's report dated 04.09.2023. As per said report, Naari Ajeevika Gram Sangathan Swasahayata Samooh Majhauri Naseem Warehouse Godown No.78 purchased 47,627 sacks of Moong dal online. In physical possession, only 36,828 sacks were found and there was shortage of 10,799 bags. Quality of Moongdal requisitioned was also sub-standard. For this, society Manager-Vinita Patel Majhgawan Sihora, Godown Director Firoz Begum, Sihora and Operator-Sohanlal Vishwakarma Majhgawan Sihora & Quality Surveyor-Atul Shukla

Sihora were held to be responsible. Said persons misappropriated a sum of Rs.4.18 Crores. Similarly, at Ghansour Kishan Producer Company through Shiv Shakti Warehouse Godown No.148 Gourha Sihora requisitioned 45,530 sacks but on physical verification, 43120 sacks were found. There was shortage of 2410 sacks. Moong dal requisitioned was also found to be sub-standard. For said Act, Society Manager-Ranjeet Patel Ghansoura, Godown Incharge-Pushpa Koshta Sihora, Computer Operator-Bharat Koshta Majhauri and quality surveyor-Satyendra Sen Katni were found to be responsible and lost of Rs.93 Lacs was caused.

3 . Learned counsel appearing for the applicant-Sohanlal Vishwakarma submitted that applicant is innocent and has falsely been implicated in the case. There was insufficient space at Naari Ajeevika Gram Sangathan Swasahayata Samooch Majhauri Naseem Warehouse Godown No.78, therefore, Moong dal was stocked at Raza Mal Godown. Report of joint committee constituted for enquiry was also questioned. It was stated that key is with logistic Corporation. Applicant is only Operator and he is not responsible for embezzlement and has no role in it, therefore, he may be enlarged on anticipatory bail.

4. Counsel appearing for applicant-Pushpa Koshta submitted that applicant is innocent and has falsely been implicated in the case. Applicant had entered into contract with MP Warehousing Corporation. Warehouse was placed at B-Category. Warehouse was operated by PMS of MPWLC and, therefore, applicant cannot be held liable for the offences committed by other persons, therefore, applicant may be released on anticipatory bail.

5. Govt. Advocate appearing for State opposed the anticipatory bail applications filed by applicants.

4. Heard the counsel for the parties.

5. On going through enquiry report, it is found that a sum of Rs.4.18 Crores has been embezzled and Investigating Agency has to recover the short Moong dal and money also. Applicant is required for investigation of the case. Applicant is the person, who has made entries on computer online, therefore, he was having knowledge about all affairs. So far as applicant-Pushpa Koshta is concerned, she is Director of Warehouse - Shiv Shakti Warehouse Godown No.148. Her responsibility has been fixed by enquiry committee in misappropriation. She is Godown Incharge, therefore, it is for applicant-Pushpa Koshta to explain shortage of Moongdal measuring 2410 sacks amounting to Rs.93 Lacs. Applicant - Pushpa Koshta will be required for investigation of the case and also for recovery.

6. Considering aforesaid facts and circumstances of the case, applications for grant of anticipatory bail filed by applicants-Sohan Lal Vishwakarma & Pushpa Koshta are *dismissed*.

(VISHAL DHAGAT)
JUDGE

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