

Court No. - 73

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Case :- APPLICATION U/S 482 No. - 19423 of 2020

Applicant :- Durga Datt Tripathi

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Prem Shankar, Abhijeet Mukherji

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta, J.

Heard learned counsel for the applicant, learned AGA for the State and perused the record.

This application under Section 482 CrPC has been filed by the applicant Durga Datt Tripathi with the prayer to quash the charge-sheet no. 03 of 2020, dated 15.09.2020 and cognizance order dated 03.01.2019 as well as entire proceedings of Criminal Case No. 26 of 2019 (State Vs. Sanjeev Saxena and others), arising out of Case Crime No. 74 of 1997, under Sections 409, 420, 465, 468, 471, 120-B IPC, Sections 13(1)D, 13(1)C, 13(2) of Prevention of Corruption Act, Police Station Husainganj, District Lucknow.

As per the allegations made in the FIR, it is alleged that financial budget was allotted to Directorate, Ayurvedic Evam Unani Services for the Financial Years 1990-91, 1991-92 and 1992-93, however, it is alleged that amount expended was much more than the amount allotted. On the basis of which, FIR was lodged and after investigation by the Vigilance Establishment, charge-sheet dated 15.09.2020 has been submitted and after due sanction, cognizance has been taken by the court below and the applicant has been summoned to face trial vide order dated 03.01.2019.

Perusal of the record shows that Vigilance Establishment after thorough investigation has submitted the charge-sheet dated 15.09.2020 against the applicant and the court below after thoughtful consideration has taken the cognizance on the same vide order dated 03.01.2019, against which, present application under Section 482 CrPC has been filed by the applicant before this Court.

Learned counsel for the applicant has submitted that from the allegations made in the FIR and the material collected during the course of investigation, no offence is made out

against the applicant and as such, charge-sheet be quashed.

Learned counsel for the applicant has further submitted that FIR in the present case was lodged on 03.03.1997, however, sanction for prosecution was granted on 19.06.2018 after considerable delay of more than 20 years and therefore, the applicant has already suffered because of protracted legal proceedings and as such, entire proceedings be quashed.

In order to buttress her arguments, learned counsel for the applicant has placed reliance upon the decisions of Hon'ble Apex Court reported in ***Criminal Appeal No. 1038 of 2001 (Mahendra Lal Das Vs. State of Bihar and others)*** and in ***Criminal Appeal No. 198 of 1992 (Ramanand Chaudhary Vs. State of Bihar and others)*** and has prayed that entire proceedings be quashed against the applicant in view of the said decisions.

Per contra, learned AGA has vehemently opposed the said prayer of counsel for the applicant and has submitted that from the allegations made in the FIR and the material collected during the course of investigation, prime facie offence is clearly made out against the applicant and it is trite law that in matter of corruption, no such latitude can be given.

It is further submitted that a sum of Rs.17.27 crores is said to have been embezzled, as such, the entire proceedings cannot be quashed and the court is not required to hold a mini trial at this stage.

Having considered the rival submissions of learned counsel for the parties and taking into consideration the entire allegations made in the FIR and the material collected during the course of investigation, I do not find any illegality in the impugned order.

It is well settled that for successful working of democracy, it is essential that public revenues are not defrauded and the public servants do not indulge in corruption and if they do, allegations of corruption are inquired into fairly and properly and those, who are guilty, are brought to book.

The abuse of public office for private gain has grown in scope and scale and hit the nation badly, corruption reduces revenue. It slows down economic activity and hold back economic growth. In recent times, there has

been concern over the need to ensure that the corridor of power remain untainted by corruption and nepotism and there is optimum utilization of resources and funds. Corruption has potentiality to destroy many a progressive aspect and has acted as formidable enemy of the nation.

Hon'ble Apex Court in the cases reported in **(2005) 4 SCC 81 C.S. Krishnamurthy Vs. State of Karnataka** and **(2014) 14 SCC 95 CBI Vs. Ashok Kumar Agarwal** has consistently held that no latitude can be given in the matter of corruption and therefore, the entire proceedings can not be quashed on the ground of delay. The impugned order passed by the court below is just, proper and legal and do not call for any interference at this stage.

The present application under Section 482 CrPC is devoid of merit and is accordingly **dismissed**.

Order Date :- 22.2.2022

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