

GAHC030005822024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./24/2024

Mahindra and Mahindra Financial Services Ltd.
Through Sh. Chanpreet Singh
Business Head
Having Registered Office at
Gateway Building, Apollo Bunder
Mumbai - 100 001

VERSUS

State of Mizoram and Anr.
R/b the Secretary
Home Department, Aizawl 2:Sh. Sandeep Sarma

Advocate for the Petitioner : Mr. Naresh Kaushik, Sr. Adv.

Advocate for the Respondent : P.P./Addl.PP, Mizoram for R1

ORDER

BEFORE
HONOURABLE MRS. JUSTICE S.P. KHAUND

12.11.2024

Learned counsel, Mr. C. Zoramchhana is present on behalf of the petitioner, Mahindra & Mahindra Financial Services Ltd., learned counsel, Mr. A.R. Malhotra is present on behalf of the respondent No. 2 and learned Public Prosecutor, Mrs. Linda L. Fambawl is present on behalf of the State respondent.

The petitioner has filed this petition under Section 483(3) Cr.PC read with Section 528 of the Bharatiya Nagaarik Suraksha Sanhita (BNSS), 2023 for quashing the impugned Order dated 13.08.2024 passed by the Court of the Judicial Magistrate First Class-III, Aizawl Judicial District, Aizawl in connection with Bail Application No. 914/2024, granting bail to the respondent No. 2, Mr. Sandeep Sarmah.

It is submitted that the petitioner had lodged an FIR with the Police at Aizawl Police Station against Jakir Habbibur Hussain and others with allegations of fraud and forgery. The FIR was registered as Aizawl P.S. Case No. 96/2024 and investigation commenced.

Meanwhile, the business head of the petitioner learnt that Jakir Habbibur Hussain had impersonated him with an aid of his co-conspirators and had created a fake entity, i.e., Mahindra Financial Services Limited or MMFSL and executed fraudulent transactions in connivance with car dealers including the present respondent No. 2 and other co-accused persons using a fraudulent bank account of Mizoram Rural Bank. Accordingly, the P.S. Crime & Economic Offences (C&EO) was registered as C&EO No. 3/2024 for punishable under Sections 408, 419, 466, 467, 468, 472, 471, 477A, 120B r/w 34 of IPC.

It is submitted that Charge-sheet has been laid in connection with Aizawl P.S Case No. 96/2024. Charge-sheet as well as supplementary Charge-sheet has been laid.

It is submitted at the bar that as the respondent No. 2 was not found involved in the fraud and forgery activities, while filing Charge-sheet, the I.O has prayed for discharging the respondent No. 2.

I have scrutinized the CD.

As there is a prayer by the I.O to discharge the respondent No. 2, this petition is disposed of with a direction to the learned jurisdictional Court to pass necessary orders in accordance with law.

In terms of the above observation, this petition stands disposed of.

Send back the CD.

JUDGE

Comparing Assistant