

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25263 of 2012

Arising Out of Complaint Case No. 3164(C) Year- 2011 District- PATNA

Vodafone Spacetel Limited through its Authorised Signatory Manoj Ranjan Satapathy, Manager (Legal) S/O Late Jivan Ranjan Satapathy, A Company Incorporated under the provisions of the Companies Act 1956 having its registered office at C-48, Okhla Industrial Area, Phase-II, New Delhi and Circle Office at Mayfair Court, Near Hinoo Bridge, Hinoo, Ranchi-834002, Local/Zonal Office at Sai Corporate Park, Rukanpura, Bailey Road, Patna-800014 R/O Flat No. 201, Shivanjali Enclave, Shukla Colony, Hinoo, Ranchi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Deepak Mishra @ Deepak Kumar, son of Pramod Mishra, resident of village & P.O. Warilpur, P.S. Arwal, Distt. Arwal.

.... Opposite Party/s

with

Criminal Miscellaneous No. 46176 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

1. Jitendra Singh @ Jitendra Kumar Singh, son of Narendra Kumar Singh, Area Sales Manager, Vodafone Essar Spacetel Ltd., local/zonal office at Sai Corporate Park, Rukanpura, Baily Road, Patna – 800 014.
2. Raj Kumar Singh, son of Ram Briksh Singh, DR, Vodafone, Essar Spacetel Ltd., local/zonal office at Sai Corporate Park, Rukanpura, Bailey Road, Patna.
3. Anjani Kumar, son of late Ram Krishna Singh, Zonal Branch Manager, Vodafone Essar Spacetel Ltd., local/zonal office at Sai Corporate Park, Rukanpura, Bailey Road, Patna – 800 014.
4. Pankaj Verma @ Pankaj Kumar Verma, son of Aditya Kumar Verma, Accountant, Vodafone Essar Spacetel Ltd., local/zonal office at Sai Corporate Park, Rukanpura, Bailey Road, Patna – 800 014.
5. Amit Sinha @ Kumar Amit Sinha, son of Nawal Kishore Sinha, Regional Sales Manager, Vodafone Essar Spacetel Ltd., local/zonal office at Sai Corporate Park, Rukanpura, Bailey Road, Patna – 800 014.
6. Vikash Lal, son of late Bimal Biharilal, Zonal Business Manager, Vodafone Essar Spacetel Ltd., local/zonal office at Sai Corporate Park, Rukanpura, Bailey Road, Patna – 800 014.
7. Saurav Kumar, son of Tara Chand, Manager, Vodafone Essar Spacetel Ltd., local/zonal office at Sai Corporate Park, Rukanpura, Bailey Road, Patna 800 014.

.... Petitioner/s

Versus

1. The State of Bihar
2. Deepak Mishra @ Deepak Kumar, son of Pramod Mishra, resident of village & P.O. Warilpur, P.S. Arwal, Distt. Arwal.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No. 25263 of 2012)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.

Mr. Ratnakar Pandey, Adv.

For the State : DGM K. Gautam, A.P.P.

(In Cr.Misc. No. 46176 of 2013)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

For the State : Mr. Ratnakar Pandey, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-08-2015

Heard learned counsel for the Petitioners and the State.

No one appears on behalf of the Opposite Party No. 2 on repeated dates.

The Petitioners seek quashing of the order of cognizance dated 2.2.2012 passed by the Judicial Magistrate, Patna, in Complaint Case No. 3164(C) of 2011.

The case of the Complainant is that he was the Proprietor of M/s. 'Maa Satya Enterprises' at Warlipur, Arwal and had been summoned to the office of the Petitioners so as to enable him to expand his business. The accused persons agreed to appoint the Complainant and the distributor of the Company of the Arwal District for which he asked him to deposit Rs.15,00,000/- as security which he did. However, the Company did not supply the required articles on account of which he suffered severe loss. When he demanded return of his money, they abused and threatened him.

It has been submitted on behalf of the Petitioners that

the allegations of abuse and assault are superfluous and have been levelled only for the reason that the Complainant was aggrieved with the business dealings, having been gone bad since the Petitioners in no manner intended to do so, no criminal offence would be made out and hence they be exonerated.

Having gone through the facts of the case, I am inclined to accept such submission.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 2.2.2012 passed by the Judicial Magistrate, Patna, in Complaint Case No. 3164(C) of 2011 is hereby set aside.

(Anjana Prakash, J)

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