

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 48994 of 2012

Arising out of P.S. Case No. -null Year- null Thana -null
District- -

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Chandra Shekhar Giri S/o Late Hari Shankar Giri Resident of
Village- Sath Laukaha, Narkatia Bazar, P.S.- Darpa, District- East
Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. L. N. Das, Adv.

For the Opposite Party/s : Mr. M Haque, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-07-2015

The Petitioner seeks quashing of the order of
cognizance dated 08.05.2012 passed by the Judicial
Magistrate, 1st Class, Patna in Gandhi Maidan P.S. Case
No. 122 of 2011.

The case of the Informant was that he and the
Petitioner were Directors in Meera Comtrade Pvt. Ltd.
which dealt in business of cold storage and rural
agricultural business. The Petitioner in collusion with
other accused person made allotment of shares of Rs. 60
Lakhs. The allegation was that the accused persons had
done it to grab the property of the Company and they
misused his digital signature.

It has been submitted on behalf of the Petitioner
that there are claims and counter-claims with regard to

the accounts of the Petitioner/Informant. It appears that two cases were filed one on each side with more or less same allegations of defalcation and converting money of the Company to their own use. Evidently, in such circumstances, it appears that there are two groups alleging that the other party was culpable.

On the other hand, Counsel for the Informant submits that since the Petitioner had converted the money for his use he should be put on trial.

Having considered the documents and counter-claims, I would be inclined to hold that it appears to be a case of mis-accounting and the allegations of defalcation appears to be far-fetched.

Hence, the proceeding including the order of cognizance dated 08.05.2012 passed by the Judicial Magistrate, 1st Class, Patna in Gandhi Maidan P.S. Case No. 122 of 2011 is, hereby, set aside so far as the Petitioner is concerned.

The Application stands allowed without prejudice to any party.

(Anjana Prakash, J.)

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