

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41490 of 2012

Arising Out of Complaint Case No. -1661 Year- 2005 District- SIWAN

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1. Ram Parikshan Yadav @ R.P. Yadav, son of Yugut Lal Yadav, at present posted as Senior Manager, Bank of India, Head Office International Division Star House, Bandra Kurla Complex, Mumbai, Maharashtra.
 2. Brij kishore Manjhi, son of Sri Phulena Manjhi, C.T.O., Bank of India, Supauli Branch, P.S. Pachrukhi, Distt. Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. Most. Sushila Devi, wife of late Shambhu Kumr Yadav, village Jasauli Pakauli, Thana Pachrukhi, Distt. Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Binay Kumar Singh, Adv.

For the State : Mr. Ashraf Ansari, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-07-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 11 /12.1.2006 passed by the Judicial Magistrate, 1st Class, Siwan, in Complaint Case No. 1661 of 2005.

The case of the Complainant is that the Complainant's husband had died in Doha Qatar and his dead body was brought home. By the Company, a cheque for Rs.2,61,000/- was delivered to her. The accused persons taking advantage of the situation snatched the Cheque and other documents from her niece and, thereafter, promised to return it after the funeral rites but, they did not do so and instead defalcated the amount which was due to her from the

husband's employer.

It has been submitted on behalf of the Petitioners that the fact of the matter is that the Petitioner being the Branch Manager of the Bank had permitted certain transactions to the rightful persons. The accused No. 4 who is the mother of the Complainant had deposited the cheques in her account and if at all she had done so, it was with full bona fides. Later on, if dispute arose amongst the family members in regard to money no criminal offence would be made out.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the nature of allegation in the Complaint petition, I am unable to satisfy myself as to how any criminal offence is made out in the facts stated therein.

Hence, the application is allowed and the entire Proceeding including the order of cognizance dated 11/12.1.2006 passed by the Judicial Magistrate, 1st Class, Siwan, in Complaint Case No. 1661 of 2005 as against all the accused persons, is hereby set aside.

(Anjana Prakash, J)

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