

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 570 of 2015

Sheetal Bhawani Gupta @ Vikram Gupta S/o Shri Bramhadev Prasadram, aged About 26 years, R/o Rajvadi, Jhariya, Civil and Revenue Distt. Dhanbad (Jharkhand)

---- Petitioner

Versus

State Of Chhattisgarh through District Magistrate/Station House Officer, Out Post Manikpur, Police Station Kotwali, District Korba Chhattisgarh.

---- Respondent

For Petitioner – Shri Dharmesh Shrivastava, Advocate.
For Respondent/State - Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/07/2015

1. This is a petition under Section 482 of Cr.P.C. against the order dated 23rd June, 2015 by the court of First Additional Sessions Judge, Korba passed in Criminal Revision No. 36/2015 whereby revision preferred by the petitioner against the order of remand dated 14/05/2015 passed in Crime No.208/2015 under Section 420 of IPC in between State Vs. Sheetal Bhawani has been rejected.

2. Learned counsel for the petitioner submits that petitioner was arrested on 9/05/2015 at about 11.55, thereafter his remand was obtained to produce him on 14/05/2015. However, without production of petitioner on 14/05/2015 before the court, the remand was obtained which is against Section 167 (2) (bb) of Cr.P.C as the petitioner was not produced. Therefore it amounts to illegal detention. Consequently, he may be released on personal bond.

3. Learned State counsel opposes the same and would submit that by inadvertence it might have occurred that presence of petitioner was not marked in order sheet, however perusal of the order sheet of the revisional court would reflect that petitioner was taken out from the custody and was again in pursuant to the jail warrant he was placed again in jail which amounts to show that the petitioner was produced before the court.

4. I have gone through the order of the revisional court. The petitioner was arrested for the offence under section 420 of IPC and section 66 (C) of the I.T. Act on the ground that he enquired the password of Smt. Seerat Fatima of her bank account who was resident of Shahid Bhagat Singh Colony, out post Manikpur and thereafter an amount of Rs.35,750/- was withdrawn. Matter when was reported, on investigation it came to fore that the petitioner was involved in criminal case along with other accused.

5. Perusal of the order sheet of the revisional court would show that on report made, Cyber Cell of the Kotwali Police Station Manikpur on investigation it revealed that after enquiring about password of the Bank account ATM on mobile certain amount was withdrawn from the account of State Bank and during investigation the petitioner was arrested on 9/05/2015 at 11.55. Thereafter he was produced before Judicial Magistrate Class-I, Korba and remand order was obtained till 14/05/2015. The revisional court records the fact that on 14/05/2015 the remand form was produced wherein further remand was prayed till 23/05/2015, on the ground that the amount from bank account was withdrawn by some fraud and the investigation is incomplete for which necessary further enquiry was needed. Thereafter remand was granted and on the same remand

form the remand was allowed and signed by the Chief Judicial Magistrate. The revisional court has further recorded that certified copy of the jail warrant would show that on 14/05/2015 in pursuant to the jail warrant issued by the CJM and thereafter petitioner was placed in jail custody whereby court has held that the petitioner was produced according to the document which was placed and perused. Court further recorded that perusal of the document would show that petitioner was produced and thereafter he was placed inside jail.

6. Consequently, though non-recording of such fact do not vitiate entire procedure and it amounts to procedural irregularity. Taking into such facts recorded by the learned revisional court, I do not find it to be a fit case to exercise jurisdiction vested with this court under section 482 of the Cr.P.C. to investigate the finding of facts. Reading of order of revisional court would show no illegality appears to be committed which need interference to exercise inherent power of this Hon'ble Court. Accordingly, petition is dismissed at the motion stage itself.

Sd/-
(Goutam Bhaduri)
JUDGE