

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32856 of 2016

Arising Out of PS.Case No. -151 Year- 2013 Thana -SANGRAMPUR District- MUNGER

=====

Badshah Ram Son of Late Banshi Raj Ram resident of village - Gaighat,
P.S. Simari, District - Buxar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Bachan Jee Ojha, Advocate.

For the Opposite Party : Ms. Smt Renu Kumari, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-08-2016 Heard both sides.

The petitioner filed this petition under Section 482 Cr.P.C. to quash the order dated 04.12.2015 passed by Shri Jeevan Lal, learned Additional Chief Judicial Magistrate II, Munger in Sangrampur P.S. Case No. 151 of 2013 corresponding to G.R. No. 2348 of 2013 whereby learned Additional Chief Judicial Magistrate took cognizance under Sections 406, 409, 467 and 468 of the Indian Penal Code.

The informant filed Complaint Case No. 275(C) of 2011 against the petitioner, Branch Manager of the Munger, Jamui Central Cooperative Bank Limited and other bank officials Managing Director and Chairman of the Munger, Jamui Central Cooperative Bank Limited. The complaint petition was sent to



police station for institution of FIR and investigation. The informant alleged that he is a commission agent of daily deposit scheme and he got accounts opened of different persons and deposited money. The accounts were matured on 31.03.2008 and 05.04.2008, but after maturation the branch manager of the Munger, Jamui Central Cooperative Bank Limited did not pay the maturation amount. It is alleged that the branch manager and other officials of the bank misappropriated and defalcated the entire amount. The police after investigation submitted charge sheet finding the case true against the petitioner but did not find the case true against the managing director and chairman of the bank whereupon the learned Additional Chief Judicial Magistrate took cognizance under Sections 406, 409, 467 and 468 of the Indian Penal Code vide order dated 04.12.2015.

Shri Bachan Jee Ojha, learned counsel appearing for the petitioner submits that the petitioner was branch manager of the bank and he retired from his service in the year 2013. According to the allegations made by the informant the accounts were matured in the year 2008, but after three years a complaint petition was filed on the basis of which the FIR was registered. The petitioner is a patient of heart disease and there is no material that the petitioner defalcated the amount of the account holders. But I

find no force in the submission of the learned counsel for the petitioner as the police after investigation found the case true under Sections 406, 409, 467 and 468 of the Indian Penal Code and the learned Additional Chief Judicial Magistrate after going through the records took cognizance. There is specific allegation that the petitioner being the branch manager of the Munger, Jamui Central Cooperative Bank Limited misappropriated and defalcated the amount of different account holders and did not make payment even after maturation of the scheme.

Therefore, I do not find any reason to interfere with the order impugned. Accordingly, the quashing petition is dismissed.

However, the petitioner may, if so advised, raise all the points at the time of framing of charge.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--