

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17861 of 2014

Arising Out of PS.Case No. -2378 Year- 2011 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Raman Kumar son of Ram Ekbal Singh Resident of Mohalla- Sector- 10b/84,
Basundhara, P.S+ District- Gaziabad (U.P)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Tuntun Yadav Son of Bhajju Yadav Resident of village Simra, P.S+ District-
Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Adv.
Mr. Mritunjay Kumar Mishra, Adv.
For the Opposite Party : Mr. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 16-10-2017

1. Heard learned counsel for the petitioner and the State.

2. This application has been filed for quashing the order dated
23-12-2013 passed by learned Judicial Magistrate, Bhagalpur in
Complaint Case No. 2378 of 2011 by which, the learned Magistrate
after holding inquiry u/S 202 Cr.P.C. has found prima facie against
the petitioner for the offence under Section-420/34 of the IPC.

3. It is alleged in the complaint that the complainant has
deposited a sum of Rs. 1,19,000/- on 20-11-2010 in the account of the
company namely, Success Online Services Pvt. Ltd. on the assurance
of the accused persons that he will earn profit in the business. It is
also alleged in the complaint that accused persons after inviting



complainant and other investors at Sai International Bhawna Hotel at Bhagalpur have impressed the complainant to do business with their company. The accused persons started avoiding the complainant at the time of return of money. The accused persons assured at the time of agreement that money will be returned to them through electronic cash system or through the cheque but they did not do so. The complainant came to Head office at Ghaziabad in August, 2011 to inquire about the matter then he was abused and assaulted.

4. The main ground taken by the petitioner is that he resigned as Director of company on 23-10-2010 (Annexure-3). He sent his resignation letter to the Registrar of the company. The communication of Registrar of the company has been annexed as Annexure-4.

5. From the complaint petition, it is apparent that amount has been deposited in the aforesaid company by the complainant. In the complaint petition, the complainant has been described as CMD of the aforesaid company.

6. It has been submitted that the petitioner has made request to not continue as Director of the company w.e.f. 23-10-2010. The court below after holding inquiry u/S 202 of the Cr.P.C. has found prima facie case against this petitioner and other accused persons for the offence under Sections-420/34 of the Indian Penal



Code.

The court below is only required to see prima facie case at the time of holding inquiry on the basis of material available during inquiry in the S.A. of complainant and statement of witnesses.

7. Therefore, this court does not find any illegality in the impugned order dated 23-12-2013 passed by learned Judicial Magistrate, Bhagalpur in Complaint Case No. 2378 of 2011.

8. Accordingly, this quashing petition is disposed off with direction to the petitioner, to raise all the points as raised in this case, at the time of framing of charge, which shall be considered by the court below, in accordance with law.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31-10-2017
Transmission Date	31-10-2017

