

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24480 of 2016

Arising Out of PS.Case No. -304 Year- 2005 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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Bibekanand Ram @ Vivekanand Ram @ Bachu Ram son of Late Jagdish
Ram, Resident of Mohalla- Kasimpur, P.S. Sultanganj, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Subodh Kumar @ Jai Ram son of Late Khedu Ram, resident of
Mohalla- Purani Durga Asthan, Gali No. 5, P.S.- Sultanganj, District-
Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Satyaverat Verma(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 16-05-2017

Heard learned counsel for the petitioner and

Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for
quashing the order dated 13.04.2016 passed by learned Chief
Judicial Magistrate, Munger in Complaint Case No. 304C of 2005,
whereby charges have been framed against the petitioner under
Sections 409 and 419 of the Indian Penal Code.

The prosecution case is that the complainant
and the petitioner both were employees of Jamalpur Railway
Work Shop and the accused-petitioner running a non-banking
organization namely, Upkar Sahyog Samitee, wherein



complainant deposited Rs.10,000/- on 14.02.2000 and further Rs.10,000/- on 25.04.2000 on assurance of investment to be doubled in 36 months, but neither the assured amount nor the principal invested amount was returned after 36 months. Hence, legal notice was given and thereafter a complaint was filed. Subsequently, on the basis of S.A. of the complainant and the enquiry witnesses, process is directed to be issued after cognizance being taken for the offences punishable under Sections 409 and 419 of the Indian Penal Code. Subsequently, petitioner filed application under Section 245 Cr.P.C. for discharge. The same was rejected by learned Magistrate vide order dated 15.05.2006. Thereafter the petitioner preferred Criminal Revision No. 101 of 2006 against the order dated 15.05.2006, whereby the petition for discharge was rejected. The said Criminal Revision was dismissed by learned Additional Sessions Judge, F.T.C.IV, Munger vide order dated 16.01.2007. The said order of the revisional court was challenged in Cr. Misc. No. 18042 of 2007 and the same was also dismissed vide order dated 21.08.2007 by a Bench of this Court.

It is submitted by learned counsel for the petitioner that the identity of the complainant has been doubted by learned Additional District & Sessions Judge-III vide order dated



18th November, 2009 passed in Criminal Revision No. 153 of 2008 while discussing the revision filed against the order of release of money.

In view of the fact that the petition of discharge under Section 245 of Code of Criminal Procedure has not only been rejected by the learned trial court, but the said rejection order has been upheld in criminal revision and quashing application by a Bench of this Court, hence, learned Magistrate had no option but to frame the charge.

Hence, this application is dismissed.

(Dinesh Kumar Singh, J)

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