

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46096 of 2014

Arising Out of PS.Case No. -191 Year- 2011 Thana -JAKKANPUR District- PATNA

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1. Neeraj Kumar Srivastav Son of Nirmal Kumar Srivastava Flat No.- 203, Lalita Nikunj Apartment, B Area Mithapur P.S.- Jakkanpur, Patna, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Prasad II

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 18-10-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 19.04.2014 passed by the learned Judicial Magistrate, 1st Class, Patna in G.R. No. 3238 of 2011 arising out of Jakkanpur P.S. Case No. 191 of 2011. The learned Magistrate as per impugned order refused to discharge the petitioner for the offence under Section 420 and 406 of the Indian Penal Code.

2. Heard the learned counsel for the petitioner and the learned APP for the State.

3. The petitioner is the sole accused and as per F.I.R., he fraudulently credited an amount of Rs. 10,34,925/- by issuing a cheque in favour of Sri. K.P. Karn. The amount under said cheque



was credited in his account with intention to grab the money. The informant and this petitioner were authorized signatory of Sahara India Patna having their account bearing No. 135362241 at Central Bank of India. This petitioner was authorized signatory for operating the said account.

4. It is alleged that this petitioner fraudulently obtained signature of the informant and issued cheque in favour of Munna Singh towards loan account. The learned Magistrate after hearing the learned counsel for the petitioner has rejected the discharge petition also considering the fact that the petitioner has misused the cheque by issuing in favour of Sri J.P.Karn for an amount of Rs. 10,34,925/- as maturity amount. He had never invested any amount earlier with Sahara Company. The learned court below at the stage of framing of charge is not required to examine the reliability of defence put by the accused. The grounds taken for false implication with ulterior motive cannot be taken into consideration at this stage.

5. In view of above facts, I do not find any merit in this application. This application is accordingly dismissed.

(Sanjay Kumar, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.10.2017
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