

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46148 of 2013

Arising Out of PS.Case No. -163 Year- 2012 Thana –Buxar (Town) District- BUXAR

=====

1. Nandlal @ Nandlal Ji Son Of Bhikham Singh Resident Of Village- Bahoran Tola, P.S. Jagadishpur, District Bhojpur At Present Posted As Scale-II Officer, Canara Bank, Lav Kush Tower, Exhibition Road, P.S. Kotwali, District- Patna

2. Vivek Kumar Shrivastava Son Of Late Trilokinath Shrivastava Resident Of Plot No.39, Block No.B, Sector-2, Aashiyana Nagar, P.S. Rajiv Nagar, District- Patna At Present Posted At Scale-Ii Officer, Canara Bank, Tundla Branch, Jain Market, Station Road, Tundla, District- Firozabad, Uttar Pradesh- 283204

3. Chandan Kumar Son of Shri Braj Nandan Singh Resident of Village- Ababakarpur, P.S. Bangra, District-Samastipur, At Present Posted As Scale-Ii Officer, Canara Bank, Bsic Section, 3rd Floor, Guman Building, Residency Road, Nagpur Sadar, Nagpur, Maharashtra

.... Petitioners

Versus

1. The State of Bihar

2. Smt. Gyanti Devi, Wife of Dineshwar Ojha, Near L.B.D. College, Sugar Mill, P.S. Buxar Nagar, District Buxar

.... Opposite Parties.

=====

Appearance:

For the Petitioner/s : Mr. Yugal Kishore, Sr. Advocate,
Mr. Ugranath Mallik and
Mr. Lalitesh Mani, Advocates.

For the Opposite Party/s : Mr. (A.P.P.)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 12-07-2017

Heard Sri Yugal Kishore, learned Senior Counsel for the petitioners, and learned A.P.P. for the State.

The petitioners in the present case are seeking quashing of the order taking cognizance dated 12.07.2013 passed by the learned Chief Judicial Magistrate in connection with Buxar (Town) P.S. Case No. 163/2012 under Sections 409 and 420 of the Indian Penal Code.

The informant alleged that while she went to operate her



locker it was found that the locker was opened and her valuable articles were already missing. In course of investigation police has submitted a chargesheet against all the three accused petitioners.

Learned Senior Counsel referred some of the correspondences enclosed as Annexures 2 & 3 which are in the nature of internal correspondences between different authorities of the Bank to impress upon this Court that in the internal enquiry the Bank has found the case true against its officials.

I am afraid this Court cannot go into the documents enclosed as Annexure 2 series which are by way of defence and are not the materials on the basis of which the learned magistrate has taken cognizance.

This Court is not inclined to interfere with the order taking cognizance at this stage. The petitioners may, however, raise all such issues, which are available to them, at the time of framing of charge.

The petition is accordingly dismissed.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.07.2017
Transmission Date	13.07.2017

