

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25499 of 2011

Arising Out of Complaint Case No. -1789 C Year- 2010 Thana - District- PATNA

=====

Vancent Wei S/O Late Dr. Manchan Shin Resident Of Ashok Rajpath, Near
Kulharia Complex, P.S.- Pirbahore, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Prushottam Das Tandon, s/o late Laxman Das, r/o Kulharia House, Ashok
Rajpath, P.S. – Pirbahore, District - Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. A.M. Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 16-11-2017

None appears on behalf of the petitioner and Opposite Party

No. 2. Shri Anand Mohan Mehta learned A.P.P is present.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 01.10.2010 passed in Complaint Case No. 1789(C)/2010 whereby learned Judicial Magistrate Ist Class, Patna summoned the accused named in the complaint petition including the petitioner, on enquiry, under Section 204 Cr.P.C. finding prima facie case under Section 193, 465, 120B and 420 of the Indian Penal Code.

3. The facts leading to this application is that Opposite Party No. 2 filed the eviction suit no. 5 of 2001 against Dr. Manchan Shin



father of petitioner Vancent Wei in which decree was passed on 04.02.2008. Thereafter, Opposite Party No. 2 filed the Execution Case No. 01 of 2008 in the Court of Execution Munsif, Patna for execution of the decree passed in Eviction Suit No. 5 of 2001. Dr. Manchan Shin, father of the petitioner filed Civil Revision No. 866/2008 in the Hon'ble High Court which was dismissed. Thereafter, Dr. Manchan Shin filed S.L.P. Case No. 27770/2009 before Hon'ble Supreme Court. At the time of hearing of aforesaid S.L.P. Dr. Manchan Shin gave an undertaking to the effect that he will vacate the rented premise within six months. But Dr. Manchan Shin did not vacate the rented premises within six months. On completion of six months, Shankar Lal Gupta accused no. 1 filed an Vakalatnama along with application supported with the affidavit to the effect that he has purchased the rented land/shop of Opposite Party no. 2 while Opposite Party No. 2 had not sold his land/shop to accused no. 1 Shankar Lal Gupta. The Opposite Party no. 2 obtained the certified copy of application and the document filed by accused No. 1 Shankar Lal Gupta in court and came to know that accused no. 1 Shankar Lal Gupta under the conspiracy with accused no. 2 -petitioner Vancent Wei got prepared the forged sale deed alleged to be executed by the Opposite Party no. 2 in favour of accused no. 1 Shankar Lal Gupta on 27.10.09 and produced the same before the court which amounts to



contempt of court. The aforesaid facts and circumstances disclosed that the accused persons hatched up conspiracy by manufacturing forged and fabricated documents by which the Opposite Party no. 2 suffered mental and physical agony and also suffered financial loss.

Learned Judicial Magistrate Ist Class, Patna on inquiry under Section 202 Cr.P.C. summoned accused no. 1 Shankar Lal Gupta accused no. 3 Tapan Maitri accused no. 2 petitioner Vancent Wei under Section 204 Cr.P.C. finding the prima facie case, under Sections 193, 465, 120B and 420 of the Indian Penal Code.

4. On going through the impugned order and on perusal of the complaint petition, solemn affirmation of complainant and statement of enquiry witness Puroshottam Das Tandon, it is apparent that the allegation has been made against co-accused no. 1 Shankar Lal Gupta for producing forged sale deed before the Court about purchasing of land/shop which was rented to the Dr. Manchan Shin father of the petitioner by complainant/Opposite Party no. 2. No allegation has been made against the petitioner who is the son of Dr. Manchan Shin. As such on inquiry under Section 202 Cr.P.C. summoning the accused No. 2- petitioner for the offence, under Sections 193, 465, 120B and 420 of the Indian Penal Code through the impugned order appears to be illegal.

5. In the result, the impugned order dated 01.10.2010 in



respect to the petitioner is hereby quashed and this application is allowed.

(Rajendra Kumar Mishra, J)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.11.2017
Transmission Date	29.11.2017

