

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37449 of 2014

Arising Out of PS.Case No. -119 Year- 2012 Thana -SABAUR District- BHAGALPUR

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Pramod Kumar, son of Sri Foodalal Mandal, resident of village- Sonudih, P.S.- Goradih, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar & others
2. Sri Champa Lal Vishwash, son of Late Kalicharan Vishwash Co-operative Extension Officer, Sabaur/Goradih, District- Bhagalpur. Permanent Address- Village + P.O.- Basati, P.S.- Arariya, District- Arariya.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ram Shankar Das, Advocate

For the State : Mr. Ajay Kumar-I, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 21-08-2017

The petitioner seeks quashing of the cognizance order dated 14.3.2013 passed by C.J.M., Bhagalpur in Sabaur P.S. Case No.119 of 2012 thereby taking cognizance of the offence under Sections 406, 409 and 420/34 of the Indian Penal Code.

2. The allegation as narrated in the F.I.R. in brief is that the Bhagalpur Central Co-operative Bank Ltd. for procuring wheat for the financial year 2012-13 sanctioned 25% cash credit loan to the PACS to procure the wheat purchasing it from farmers thereafter, to deposit food grain at the purchase centre of State Food Corporation, Goradih Centre. The Sonudih PACS purchased 1617.20 quintals of



wheat and had withdrawn Rs.20,78,102/- from the Bank but it deposited only 1617.20 quintals of wheat, despite several reminders they did not deposit the remaining 540 quintals of wheat so misappropriated it.

3. Learned counsel for the petitioner submits that there is no due of the petitioner with the Central Co-operative Bank, Bhagalpur so no case of misappropriation or breach of trust is made out.

4. Learned counsel for the State supports the cognizance order and submits that police after completing investigation has submitted charge sheet against the petitioner.

5. Having considered rival submissions and on perusal of record, this Court finds that the allegation is with regard to misappropriation of 540.20 quintals of wheat as the petitioner is alleged to have purchased 1617.20 quintals of wheat and Rs.20,78,102/- was given by the Bhagalpur Central Bank and he was required to deposit the whole purchased quantity of wheat with the SFC Centre but 540.20 quintals of wheat was not deposited by him, so there is no question of any due of money to be paid by the petitioner to the Central Co-operative Bank rather allegation



is of misappropriation of money to the tune of cost of purchased price of 540.20 quintals of wheat, so it not the case that no offence is made out against the petitioner.

6. The application stands dismissed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
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