

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31033 of 2014

Arising Out of PS.Case No. -3557 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

Ravish Gautam @ Ravish @ Ravi Son of Dr. Madhukant Jha resident of
Mohalla - Bijay Nagar, Police Station - Town, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dhananjay Kumar Son of Awadh Kishore Sharma resident of Adarsh Colony, West Patel Nagar, Police Station - Shastrinagar, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Mayanand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 25-07-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. This application has been filed by the petitioner under Section 482 of Cr.P.C. 1973 for setting aside the order dated 11.09.2013 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No.3557 (C) of 2012 whereby he has taken cognizance of the offence under Sections 420 and 406 of the Indian Penal Code and issued summons against the accused persons to stand the trial.

3. The factual aspect narrated, in brief, is that all the accused persons including this petitioner with one Abhijit Ganguly came to his shop along with accused Sanjay Gautam,



who introduced himself as Marketing Manager of Paridhi International Mumbai and accused Abhijit Ganguli as Marketing Head, who deal in Termi Guard pesticide and etc. All the accused persons took the complainant in their confidence that there is an agreement with the Advance Agriseach Ltd. Division and directly doing business with it. They offered the complainant C & F of their company on deposit a sum of Rs.2/- lacs by way of security in the name of the company, thereafter the company would supply its product to the complainant for sale in Bihar upon which they will give him annual interest @ 9%, 2% in profit, 1% as bonus and the Company will pay Rs.3000/- per month for maintaining godown and office. Pursuant to the offer the complainant paid the money vide two cheques No.883143 and 883146 of different dates each of Rs.1/- lac in favour of Paridhi International and the cheques were encashed in the Account of the Company. Thereafter the complainant was appointed as C & F but the product was not supplied. When the complainant requested the accused persons to return his money all the accused persons abused him and assaulted also and they told him that if he asked money from them, he will be killed. Co-accused Ashok Mishra snatched his gold ring and his belongings.

4. Learned counsel for the petitioner submits that



there is no allegation at all against the petitioner. He has been implicated only to give pressure to other co-accused, Sanjay Gautam.

5. Whereas the learned Additional Public Prosecutor submits that the allegation against the petitioner is that he got all the accused persons acquainted with the complainant. He introduced Abhijit Ganguly who projected himself as Marketing head of the Company, offered the complainant C&F of the Company and Rupees 2/- lacs was paid by the complainant to the accused but neither any product was supplied nor money was returned to the complainant.

6. Having considered the rival submissions and the allegations leveled in the complaint petition against the petitioner prima facie case under Sections 406 and 420 of the I.P.C. is made out, so there is no illegality in the impugned order.

7. This application stands dismissed.

(Arun Kumar, J)

AnilKrSinha/-

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