

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34982 of 2014

Arising Out of PS. Case No.-551 Year-2010 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Jawahar Kumar son of Sri Ram Baran Choudhary, posted as Senior Branch Manager, Branch-I, Divisional Office, Uma Shankar Prasad Marg, P.O. Ramna, Club Road, P.S. Mithanpura, District Muzaffarpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Shiv Shankar Prasad Rai, son of late Hari Charan Rai, resident of Mohalla-Church Road, Chandwara, Ward No. 45, P.S.- Town, District Muzaffarpur
- Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhimanyu Vats, Advocate Mr. Rajni Kant Singh, Advocate
For the Opposite Party/s :		Mr. Rawit Kumar Thakur, Advocate Mr. Devendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 21-09-2017 Heard learned counsel for the petitioner, State and counsel appearing on behalf of the Opposite Party No.2.

Counsel for the petitioner submits that at the relevant time when the complaint was made, the petitioner was not the Branch Manager and even if the allegation is accepted on its face value, it is not relatable to the petitioner as the petitioner was not the Branch Manager at the relevant time.

Counsel for the opposite party No. 2 submits that this is a case of 2010 and we are in 2017 and as such no indulgence can be granted at this stage.

Having regard to the facts and circumstances of the case, the only issue requires consideration is whether this petitioner



was the Branch Manager at the relevant time or not. If he was not the Branch Manager at the relevant time, no criminal liability can be fastened on account of the fact that there was some lapse on the part of the Branch Manager at the relevant time.

In view of the submission of the petitioner, the petition is disposed of with liberty to the petitioner to file a petition before the court below stating therein that he was not the Branch Manager at the relevant time and as such no criminal liability can be fastened against him even if there are lapse of the then Branch Manager.

If such a petition is filed by the petitioner within a period of one month from today along with a copy of this order, the court below is under obligation to dispose of such application by a reasoned and speaking order within a further period of two months.

With the aforesaid observation, the application stands disposed of.

(Anil Kumar Upadhyay, J)

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