

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27967 of 2014

Arising Out of PS.Case No. -508 Year- 2013 Thana -KANKARBAGH District- PATNA

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1. Ramesh Kumar Son of Late Ram Naresh Prasad Sinha Resident of Gita Shrayan, Sarvoday Nagar, Kali Mandir, Thakurbari Road, Kumhrar, P.S.- Agamkuan, Town and District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Sub- Inspector of Police, Kankarbagh, Police Station, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Samrendra
For the Opposite Party/s : Mr. Vishwa Ranjan Choudhary
For the State : Mr. B.N.Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 08-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 05.02.2014 passed by the learned Judicial Magistrate, 1st Class, Patna in Kankarbagh P.S. Case No. 508 of 2013 whereby and whereunder the learned Magistrate finding prima facie for the offence under Sections 420, 467, 468, 471 and 120-B/34 of the Indian Penal Code ordered for issuance of summons against the petitioner.

2. Heard both sides and perused the record.

3. The above case was registered on the basis of written report of police, who conducted raid and seized a large number of



application forms from the shop of one Rajesh Kumar, who was dealing with distribution of SIM of Reliance Company. It has been alleged that the said Rajesh Kumar in collusion with distributor and Reliance Company used to provide SIM on the basis of forged and fabricated identity card. This petitioner happens to be Deputy Manager of Reliance Company whose signature and seal was allegedly found on the application forms which were seized from the shop of co-accused.

4. It has been submitted that the petitioner is Deputy Manager of Reliance Company and he used to put his signature on the application form only after being forwarded by the distributor. The application forms are normally filled by the customers, and the retailers after verifying the identity proof and photographs used to forward the same to distributor and after confirmation by distributor, the application forms are sent to Reliance Company for confirmation of customers' identity and only thereafter, the same SIM is activated. The application forms admittedly were found in the shop of co-accused. This petitioner had no role at all in signing the signature at this stage. The signatures and seal, which was found on the application forms were all forged and fabricated. The photo pasted on the application forms allegedly did not tally with the identity card for which this petitioner cannot be held liable. The



police in course of investigation have not interrogated the customers, who had filled the forms and supplied identity card. There is absolutely no material in case diary showing the complicity of the petitioner in providing SIM on forged and fabricated identity card and photographs and so, the order is fit to be quashed.

5. The learned A.P.P. for the State, on the other hand, submits that the some SIMs were being supplied on the basis of forged and fabricated documents and the petitioner had put the signature in the forms in order to facilitate the distributor in selling the SIM at higher price.

6. On perusal of F.I.R. and case diary, I find that this petitioner is named in the F.I.R. The petitioner is Deputy Manager of Reliance Company whose application forms were seized from the shop of the co-accused. The application forms were found duly signed and sealed by this petitioner. The defence of the petitioner that the signatures, which were found on the application forms, were forged and fabricated cannot be seen at the time of taking cognizance. The learned Magistrate finding prima facie case as regards his conspiracy in distribution of SIM in connivance with distributor and retailer has rightly taken cognizance against him.

7. In view of the above facts, I do not find any merit in this quashing application. This application is devoid of merit and is,



accordingly, dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.08.2017
Transmission Date	11.08.2017

