IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50455 of 2013

Arising Out of PS.Case No. -218 Year- 2009 Thana -BUXAR District- BUXAR

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Nageshwar Mahadeva, Son of Late Kaushal Man Mohan Resident of Sahay Niwas, Mohalla- Sadhanapuri, P.S.- Gardanibagh, District- Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate.
For the Opposite Party : Dr. Ajeet Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT
Date: 18-05-2017

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners filed this petition under Section 482 of the Code of Criminal Procedure (hereinafter referred to as the 'Code') to quash the order dated 14.02.2012 passed by the learned Chief Judicial Magistrate, Buxar in Buxar Town P.S. Case No. 218 of 2009 (G.R. No. 1367 of 2009 and Tr. No. 1538 of 2012), whereunder the learned Chief Judicial Magistrate, Buxar took cognizance under Sections 489B, 489C, 420, 201 and 120B of the Indian Penal Code against the petitioner, the branch manager of Allahabad Bank and Indu Bhushan Pandey, the cashier of Allahabad Bank.

3. The brief facts that the petitioner filed Buxar Town P.S.

Case No. 218 of 2009 under Sections 489A, 489B, 489C and 420 of the Indian Penal Code against the cash officer Sanjeev Kumar of LIC of India, Buxar. The petitioner alleged in his written petition that the cash officer, LIC of India, Buxar branch brought cash to deposit in the bank. During course of counting, it was found that some notes of Rs. 500 denominations were fake and obsolete. The total notes were 65 pieces, amounting to Rs. 32,500/-.

4. On the written petition of the petitioner the aforesaid case was registered. The investigating officer after investigation found during course of investigation that the cashier Indu Bhushan Pandey used to mix fake currency notes and he gave to Farida Begum who withdrew Rs. 50,000/- from the bank. Farida Begum came to return the fake currency notes but, Indu Bhushan Pandey refused to take back the fake currency notes. Farida Begum made complaint to the Branch Manager, the petitioner and on such the branch manager lodged the case. It transpired, during course of investigation that the cashier Indu Bhushan Pandey and the petitioner being branch manager of the bank, in collusion with each other, mixed fake currency notes and used to give fake currency notes to different customers. Accordingly, charge sheet was submitted finding the case true against Indu Bhushan Pandey, the cashier of the bank and the petitioner, the Branch Manager of the bank thereupon the court below took cognizance under Sections 489B, 489C, 420, 201 and 120B of the Indian Penal Code on 14.02.2012.

5. Learned counsel for the petitioner submits that the petitioner was the branch manager of Allahabad Bank, he did not deliver any fake currency note to any customer. It was Indu Bhushan Pandey who had given the fake currency notes to Farida Begum and he was responsible for mixing the fake currency notes in the cash of the bank. There is no material against the petitioner but, it appears that the petitioner is the informant of the case and he lodged the case on altogether different facts. The petitioner did not allege in his written petition about the true facts that Farida Begum withdrew Rs. 50,000/- and she got 65 fake currency notes from the bank. Farida Begum came to bank to return the fake currency and she raised hue and cry but, the petitioner, thereafter, lodged the case on altogether different facts making allegation against the cash officer of LIC of India that he deposited notes including the fake currency notes in the bank. During course of investigation, the witnesses stated that the petitioner and cashier were responsible for mixing fake currency notes and the cashier used to deliver fake currency notes to the customers. The petitioner, being Branch Manager of the bank set the law in motion on altogether different facts devoid of truth, the petitioner knowingly concealed the facts giving reasonable grounds to believe that the petitioner was also involved in circulation of fake currency notes and on such facts the investigating officer submitted charge sheet against the petitioner and therefore cognizance was taken.

6. Considering the facts aforesaid, I do not find any illegality in the order taking cognizance against the petitioner. Accordingly, this quashing petition is dismissed.

(Prabhat Kumar Jha, J.)

KKSINHA/-

AFR/NAFR	NAFR
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