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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 30/2017**

SUKHMAL CHAND JAIN

..... Petitioner

Represented by: **Mr. C.R. Jagar, Advocate.**

versus

STATE & ANR.

..... Respondents

Represented by: **Ms. Meenakshi Chauhan, APP**
for the State with **SI Virender**
Kumar, PS K.N. Katju Marg.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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22.03.2017

Crl. M.A. No. 4226/2017 (filing of true copies of statements of witnesses)

By this application the petitioner seeks to place on record certain statements of the witnesses.

Statements filed are taken on record.

Application is disposed of.

CRL.M.C. 30/2017 and Crl. M.A. No. 171/2017 (Stay)

1. By the present petition the petitioner seeks quashing of FIR No. 245/2011 under Sections 409 IPC registered at PS K.N. Katju Marg, Delhi and the proceedings pursuant thereto.

2. The allegations against the petitioner who was the Deputy Manager are of embezzlement of ₹2,31,740/-. In the complaint it is alleged that the petitioner while working as a Deputy Manager and posted as in charge of the

CRL.M.C. 30/2017

Page 1 of 2

liquor shop run by Delhi State Civil Supplies Corporation Limited at premises No.9 and 10, LSC-10, Sector-16, Rohini Delhi has embezzled the amount after he took over the charge of vend on 4th March, 2011 from Shri William Anthony, Assistant Manager. The petitioner did not even submit the requisite weekly and monthly statements and after the records of the receipt of the goods and sales were tallied it was found that there was a shortage of ₹2,31,740/-.

3. When the petition came up for hearing before this Court on 6th January, 2017, contention raised by learned counsel for the petitioner was that he had took over the liquor vend only 15 days prior to the alleged incident and he had not received the monthly statements properly when he took over the charge. Time was sought to place on record the statements which have been filed however, from the statements placed on record, it is not evident that the shortage as alleged in the FIR was when the petitioner took over the charge.

4. Be that as it may, that would be the matter for defence of the petitioner. At this stage, this Court finds no ground to quash the FIR and the proceedings pursuant thereto. However, it is clarified that nothing said hereinabove will be treated as an expression of final opinion on the merits of the case.

5. Petition and application are dismissed.

MUKTA GUPTA, J.

MARCH 22, 2017/‘vn’

CRL.M.C. 30/2017

Page 2 of 2