IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24909 of 2015

Arising Out of PS. Case No.-3608 Year-2006 Thana- PATNA COMPLAINT CASE District-Patna

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Mr. Guru Sharan Singh Bhalla Son of Sri Jaswant Singh Posted as Deputy General Manager, Bank of Baroda, Zonal office, Bihar, Jharkhand & Orissa Zone, Anand Vihar, West Boring Canal Road, Patna – 800001

... Petitioner

Versus

1. The State of Bihar
2. S.J. Ahmad, Son of Late S.M. Ahmad, B - 58, Gulshan, P.C. Colony, Kankarbagh, Patna – 800020 ... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjeev Shankar, Adv.
For the Opposite Parties : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 22-03-2018 Seeking quashing of Complaint Case No. 3608C of 2006 and order, dated 12.11.2007, passed by learned Judicial Magistrate, 1st Class, Patna, taking cognizance against the officer (Chairman of Bank of Baroda, 3 Walchand Hirachand Marg, Mumbai) against whom the case has been initiated for various offences under Sections 406, 409, 420 and 120B of the Indian Penal Code. This application has been filed for quashing the proceedings

On perusal of the complaint I find that the complainant, S.J. Ahmad, had certain transactions and business dealing with M/s Alpic Finance Limited, which had an account with Bank of Baroda. It was the case of the complainant that the officers of M/s Alpic Finance Limited have committed cheating with him in the matter of procurement and deposit of secured redeemable non-convertible bond, alleging that the office of M/s Alpic Finance Limited in the matter of transaction conducted for securing the redeemable non-convertible bond have deprived the applicant of large chunk of money. The complaint case was filed and the only allegation against the officers of Bank of Baroda is that the account of M/s Alpic Finance Limited was with the said Bank. The learned counsel took me through the body of the complaint petition and the same indicates that the submission were on two conts. The first ground is that on identical occurrence earlier Complaint Case No. 3608C of 2006 was filed in the Court of the Judicial Magistrate, 1st Class, Patna, and vide Annexure 2 filed on 14.05.2008 the complaint case was dismissed as withdrawn, on the same set of fact after dismissal of the first complaint case, another complaint case is not maintainable. The second ground is that even if the entire complaint is accepted on it's face value the main allegations with regard to the fraud or cheating are not made against the officers of the Bank, merely because the M/s Alpic Finance Limited had an account with the Bank no offence against the applicant are made out.

Apart from the fact that the complaint case being

Complaint Case No. 3608C of 2006 was withdrawn as it evident from Annexure 2 it is also seen that against the officers of the Bank no specific allegation of fraud, cheating or misappropriation have been made. The entire allegation is against the agents of M/s Alpic Finance Limited.

In view of the same, the impugned order, dated 12.11.2017, passed in Complaint Case No. 3608C of 2006 and the entire proceedings against the present applicant alone are quashed. This application is allowed to the said limited extent only.

(Rajendra Menon, CJ)

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