

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1133 of 2015

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The Koshi Central Co-operative Credit Society Limited, through, Anuj Kumar Singh Son of Bhagwan Prasad Singh, the In-charge Managing Director, Head Office at Gandhi Path, Saharsa, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Home, Government of Bihar, Patna
2. The Principal Secretary, Department of Home, Government of Bihar, Patna
3. The Director General of Police, Government of Bihar, Patna
4. The Deputy Inspector General of Police, Saharsa
5. The District Magistrate, Saharsa
6. The Superintendent of Police, Saharsa
7. The Sub Divisional Police Officer, Saharsa Sadar, Saharsa
8. The Station House Officer Sadar Police Station, Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shrawan Kumar Singh, Sr.Adv.

For the Respondent/s : Mr. Kunal Tiwary, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 28-08-2018 Heard learned senior counsel representing the petitioner and learned counsel representing the State.

This writ application has been preferred by a Cooperative Society registered under the provisions of the Bihar Self-Supporting Cooperative Society Act, 1996 (hereinafter referred to as the 'Act of 1996').

The grievance of the petitioner is that the office of the cooperative society was sealed without there being any case lodged against him and then what has transpired from the



affidavits exchanged in course of pendency of the writ application is that on the intervention of the District Magistrate the seal was opened and the articles kept in the office were seized. The petitioner has categorically stated that even though it is the stand of the respondents that action was taken against the Cooperative Society on the direction of the Inspector General of Police, Economic Offence Unit, Bihar, Patna, vide Annexure-B to the counter affidavit filed on behalf of the respondent no.6, but no case has been lodged against him.

A perusal of the counter affidavit filed on behalf of the respondent no.6 would show that the different investors of the Cooperative Society had lodged a complaint against the malfunctioning of the Society and in this connection one Saharsa Sadar P.S. Case No.128 of 2013 dated 15.03.2013 and Saharsa P.S. Case No.143 of 2014 were lodged against the functionaries including Director of the Society. Copies of the FIRs have been placed on record as Annexure-A to the counter affidavit. Perusal of Annexure-A clearly shows that the petitioner's Cooperative Society is an accused and there are allegations constituting offences under Sections 406, 420 and 34 of the Indian Penal Code. The statements made in the counter affidavit to the effect that the FIRs have been lodged are not disputed.



In the aforesaid view of the matter, this writ application is totally misconceived. This Court, sitting in its Constitutional jurisdiction, will not give any direction for de-sealing of the office and release of the materials which are said to have been seized in connection with a case.

There is another aspect of the matter which this Court has taken note of in the previous order dated 21.08.2018. It appears that in respect of this Cooperative Society, the Registrar of the Cooperative Societies, State of Bihar has passed an order, as contained in Annexure-1 to the writ application. The Registrar has exercised his power under Section 45 of the Act of 1996 and has appointed the District Magistrate, Saharsa as Liquidator. This order seems to have been challenged in CWJC No.12501 of 2014. Annexure-2 is an interim order dated 09.01.2015 passed by the learned Writ Court in which the following interim order has been passed:-

“Until further orders of this Court, let no further steps be taken by the Registrar, Cooperative Societies for dissolution of the petitioner society in pursuance of the order passed on 4.6.2014 by the Bihar Cooperative Tribunal, Patna in Misc. Case No.02 of 2013.”

This Court is of the opinion that apparently the



learned Writ Court has not stayed the order dated 4.6.2014 rather further steps towards dissolution of the Society has been stayed. The two words 'liquidation' and 'dissolution' carry two different meanings. Section 45 of the Act of 1996 itself containing both the words 'liquidation' and 'dissolution'. So far as the order appointing Liquidator is concerned, the learned Writ Court has not stayed the same. It is only the further action towards dissolution of the Society which has been stayed.

In such view of the matter, the present writ application could not have been preferred by Sri Anuj Kumar Singh claiming himself as In-charge Managing Director. Once the Liquidator has been appointed and that order still exists without there being any stay of that part of the order, it was only the Liquidator who could have represented this Cooperative Society in the present proceeding, if at all it was desirous on his part.

Finding no merit, this writ application is dismissed.

(Rajeev Ranjan Prasad, J)

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