

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14588 of 2016

Arising Out of PS.Case No. -464 Year- 2014 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Sandeep Bhutani, son of Shri Vishan Das Bhutani Address 356 Udyog Vihar,
Phase-4, PS- Udyog Vihar, District- Gurgaon, State- Haryana.

.... Petitioner/s

Versus

1. The State of Bihar
2. Prabhat Kumar Singh @ Vijay Kumar Singh Son of Shri Dina Nath Singh,
Resident of Village- Sirihira, PS- Chand, District- Kaimur, State- Bihar.
3. Regional Manager, Punjab National Bank, Chanakya Place, R- Block Patna,
Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar

For the Opposite Party/s : Mr. (Dr.) Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 23-08-2018

Heard the learned counsel for the petitioner, the
informant as well as the State.

2. The petitioner seeks quashing of the order dated
06.06.2015 passed by the learned Chief Judicial Magistrate, Kaimur at
Bhabhua in Complaint Case No. 464/2014, whereby the court below
has found *prima facie* case for offences under Sections 406 and 419 of
the Indian Penal Code.

3. In the complaint petition, it is alleged that this
petitioner and other accused persons by introducing themselves to be
agent of Vodafone Company requested the complainant to install a



tower in his land for which they also took Xerox copy of papers of the land of complainant. They also showed the advertisement published in the newspaper dated 24.01.2014. The complainant also received a registered letter on 24.01.2014 whereby he was instructed to deposit certain amounts in the account of Company. Accordingly, the complainant deposited the amount on various dates in the account of this petitioner as well as the Company through Bhabhua Branch of Punjab National Bank and State Bank of India. The complainant has deposited total amount of Rs. 1,02,700/-, but tower was not installed on his land. The complainant made request for refund of his money, but the same not returned.

4. The main contention raised by the petitioner is that his name is Sandeep Bhutani and not Sandeep Gupta @ Sandeep Mutani.

5. This Court, after perusing the complaint petition, finds that the petitioner has been described as Sandeep Gupta @ Sandeep Mutani in the complaint petition.

6. Learned counsel for the petitioner has submitted that it is mentioned in para 8 of the present petition that M/s Tower Vision India Pvt. Ltd. (TVIPL) is a company incorporated under Companies Act, 1956 having registered office in Gurgaon. It is engaged in the business of providing passive infrastructure assets as well as the



provision of related services to wireless telecommunications operators in India and in Bihar. It provides passive Telecom Site Infrastructure Service to Cellular Mobile Telephony Operators in India. The petitioner has been working in this Company at its corporate office in Gurgaon and is now a days discharging duty as Associate Vice President of the Company and his responsibility is to interact with the telecom companies in order to get more work orders of towers. The petitioner has no role to play in the field operations of the aforesaid company as the company has a separate department which is responsible for tower installation at various locations.

7. The court below after examining the complainant on S. A. and recording statement of two witnesses found the case true against this petitioner.

8. From the allegation in the complaint petition and S.A. of the complainant, which is available on record, it appears that the complainant had paid money to Sandeep Gupta who introduced himself before the complainant as a representative of Vodafone Company. The petitioner has mentioned in para 8 of the quashing application that his job responsibility is to interact with the telecom companies in order to get more work. As such, it appears that petitioner is responsible with the work of order of telecom companies.

9. Submission on behalf of the petitioner is that



Sandeep Gupta is another person and Sandeep Bhutani is another.

10. This Court is of the view that all these facts can be looked into at the stage of trial.

11. In view of such, this court does not find any illegality in the impugned order. Accordingly, this quashing petition is dismissed.

12. The petitioner is given liberty to raise all the points as raised in this petition at appropriate stage of trial including at the time of framing of charge, which shall be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J.)

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