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

+ CRL.M.C. 3573/2016 and Crl. M.A. 15119/2016

CHIEF MANAGER, PUNJAB NATIONAL BANK

MALL ROAD BRANCH, DELHI

..... Petitioner

Through: Mr. Anil Kumar, Advocate

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Ashish Dutta, APP for the State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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10.08.2018

The first information report (FIR) no.281/2015 was registered by police station Lahori Gate involving offences punishable under Sections 420, 406, 506 of Indian Penal Code, 1860 on the complaint of Sunil Gupta son of Sh. Babu Ram Gupta. While the said case was under investigation, an application was moved before the Metropolitan Magistrate on behalf of the complainant seeking direction to the investigating officer to seize certain documents, the grievance being that the investigative steps were not effective. The Metropolitan Magistrate, by order dated 29.08.2016, issued notice to the Station House Officer of the police station calling upon the investigating officer to appear and also issued notice to the petitioner bank, the document in question statedly being in its possession.

The bank official appeared with counsel before the Metropolitan Magistrate on 06.09.2016 and, on his request, time was granted for reply to be filed. The matter was adjourned by the Metropolitan Magistrate on 20.09.2016.

Instead of filing reply, the bank approached this court with the petition at hand invoking the jurisdiction of this court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.PC), *inter alia*, contending that the Magistrate had no jurisdiction to call for such reply, the documents in question being in its possession under a mortgage.

To say the least, the petition is wholly frivolous and uncalled for. The opportunity for submitting reply having been granted, the bank should have assisted the Metropolitan Magistrate placing before it all its submissions and objections. The Metropolitan Magistrate had the necessary jurisdiction and power to inquire into facts to deal with application moved before him.

It has been submitted by the learned Additional Public Prosecutor, on instructions, that the investigation of the case has since been completed and charge-sheet has already been laid in the court of the Metropolitan Magistrate on 06.02.2018.

In the given facts and circumstances, there is no case made out for any interference by this court.

The petition and the application are dismissed.

R.K.GAUBA, J

AUGUST 10, 2018/yg
CRL.M.C. 3573/2016

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