

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25086 of 2003

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1. O.P. Singh, Zonal Manager, Zonal Office, Raj Tower, Boring Road Crossing, Patna.
 2. P. B. Gupta alias B. P. Gupta, Manager, Sahara India Investment and Finance Limited, Raj Tower, Boring Road Crossing, Patna.
- Petitioner/s

Versus

1. The State Of Bihar.
 2. M/s Raj Engcon Project, 2- Garstin Place, Calcutta, Principal Office, Raj Tower, Boring Road Crossing through its Director, Aok Kumar son of Sri Dhanraj Singh resident of Mohanpur, P.S. Punaichak, Patna, District- Patna.
- Opposite Party/s

with

Criminal Miscellaneous No. 28446 of 2003

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1. J. B. Roy, S/o late S.C. Roy, Director, Sahara India Financial Corporation Ltd., Sahara India Bhawan, 1, Kapoorthala Complex, Aliganj, Lucknow.
 2. M. K. Chandel, S/o Surendra Kumar Singh, Manager and Authorized Representative, Sahara India Financial Corporation Ltd., Sahara India Bhawan, 1, Kapoorthala Complex, Aliganj, Lucknow.
- Petitioner/s

Versus

1. The State Of Bihar.
 2. M/s Raj Engcon Project, 2, Garstin Place, Calcutta, Principal Office, Raj Tower Boring Road Crossing through its Director, Alok Kumar son of Sri Dhanraj Singh resident of Mohanpur, P.S. Punaichak, Patna, District-Patna.
- Opposite Party/s

with

Criminal Miscellaneous No. 43505 of 2007

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1. Raj Engcon Projects (India) Limited, registered office at-62, Nalini Seth Road, 1st Floor, Kolkata-700007 and Corporate office in Raj Tower Building, Boring Road Crossing in the town & District of Patna.
 2. Dhanraj Singh S/o of late Sri Gangdeo Singh.
 3. Alok Kumar
 4. Amrendra Kumar



Serial No. 3 & 4 are sons of Sri Dhanjar Singh, all resident of Raj Niketan, Mohanpur, New Punaichak, P.S. Shastrinagar, Patna-800023.

5. Vishwanath Singh S/o of late Dalsringar Singh resident of A-99, Housing Colony, Kankarbagh, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar.

2. Sri O.P. Singh, S/o late T.P. Singh, Manager Sahara India Financial Corporation Limited, Raj Tower, Boring Road Crossing, P.S. Buddha Colony, Town & Dist: Patna.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 27200 of 2009

1. Dhanraj Singh S/o late Gangdeo Singh

2. Alok Kumar

3. Amrendra Kumar

Serial No. 2 & 3 are sons of Shri Dhanraj Singh, all residents of Raj Niketan, Mohanpur, New Punaichak, P.S. Shastrinagar, Patna-800023

... .. Petitioner/s

Versus

1. The State Of Bihar.

2. Shri Neeraj Kumar Pal, S/o late Ramdulare Pal, resident of house No. 551K/251 Shakti Nagar, Alambagh, Lucknow, Uttar Pradesh, at present residing at 203 Vidya Apartment, Boring Road, P.S. S. K. Puri, District-Patna working as Area Manager, Sahara India Financial Corporation Ltd. (previously known as Sahara India Savings and Investment Corporation Ltd.) having its Zonal Office at Sahara Vihar of Raj Tower Building, Boring Road Crossing, Patna-800001.

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 25086 of 2003)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate with Mr. A. K. Jha and

Mr. Manish Kumar Singh, Advocates

For the Respondents : Mr. Abhay Kumar Singh with

Mr. Bharat Bhushan and

Mr. Siddhartha Kumar Singh, Advocates

(In Criminal Miscellaneous No. 28446 of 2003)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate with Mr. A. K. Jha and

Mr. Manish Kumar Singh, Advocates

For the Respondents : Mr. Abhay Kumar Singh with



Mr. Bharat Bhushan and
Mr. Siddhartha Kumar Singh, Advocates
(In Criminal Miscellaneous No. 43505 of 2007)
For the Petitioner/s : Mr. Abhay Kumar Singh
Mr. Bharat Bhushan and
Mr. Siddhartha Kumar Singh, Advocates
For the Respondents : Mr. Krishna Prasad Singh, Sr. Advocate with
Mr. A. K. Jha and
Mr. Manish Kumar Singh, Advocates
(In Criminal Miscellaneous No. 27200 of 2009)
For the Petitioner/s : Mr. Abhay Kumar Singh
Mr. Bharat Bhushan and
Mr. Siddhartha Kumar Singh, Advocates
For the Respondents : Mr. Krishna Prasad Singh, Sr. Advocate with
Mr. A. K. Jha and
Mr. Manish Kumar Singh, Advocates

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 14-02-2019

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. At the very outset, Mr. Krishna Prasad Singh, learned
senior counsel for the petitioners submitted that an award has
already been prepared by the Arbitrator in September, 2017,
according to which, the matters between the parties have been
settled. Learned counsel submitted that he may be permitted to
withdraw the applications in order to file the award before the
Court below itself for passing necessary orders in terms of the
settlement between the parties.

3. Having regard to the aforesaid, the applications stand
disposed off as withdrawn with liberty aforesaid.

4. If the petitioners file appropriate application before
the Court below bringing on record the award, the Court below



shall consider the same and pass appropriate orders in terms of compromise between the parties, after satisfying itself with regard to its authenticity.

5. However, learned counsel for the petitioners in Cr. Misc. No. 43505 of 2007 submitted that under Sections 466, 467, 468, 471 and 474 of the Indian Penal Code also cognizance has been taken. It was submitted that the allegation is that the consideration amount for purchase given to the owner had been shown by him to have been adjusted in the rent. It was submitted that award by the Arbitrator covers this issue also.

6. As there has been no objection on behalf of the other side, the Court finds that continuance of the criminal case for such charge is not required. Accordingly, for securing the ends of justice, cognizance taken against the petitioners under the aforesaid sections, stands quashed.

7. With regard to the remaining sections the direction given by the Court hereinabove shall also apply in the present case.

(Ahsanuddin Amanullah, J)

Anjani/-

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