

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 87288 of 2019

Arising Out of PS. Case No.-14 Year-2015 Thana- C.B.I CASE District- Patna

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KARTIK KUMAR Son of Late Chandra Bhushan Singh Resident of Village -
House no.153 A, Patliputra Colony, P.S.- Patliputra, Distt.- and Town - Patna.

... .. Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION (CBI) THROUGH ITS
S.P., DR. S.K. SINGH PATH, PATNA Jawaharlal Nehru Road, Patna, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : M/s Sanjay Singh, Lal Babu Singh, Advocates
For the Opposite Party/s : Mr Bipin Kumar Sinha, SC, CBI

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-01-2020 Heard learned counsel for the petitioner and the

learned counsel representing the Central Bureau of Investigation
(for brevity, *CBI*).

Brief background leading to lodging of the
prosecution is that some National Saving Certificates (for
brevity, *NSCs*) were dispatched from Nasik way back in the
year, 1996. On arriving at the destination, the boxes were found
broken and certificates missing. It is in these circumstances that
investigation commenced by registration of Government Rail
Police Station Case No 246 of 2001. Apparently, seriousness of
the issue caused notification of the matter by the Deputy
Secretary of the Government of India, for investigation by the
CBI on 06.07.2015. The petitioner, during course of



investigation, has been made an accused. The basis of petitioner's implication is that the NSCs, which were found missing in transit, are alleged to have been used by the petitioner's business entity M/s Vishal Builtech (India) Private Limited as earnest money/security deposit for participating in tender for certain road construction jobs. It is in these circumstances that the petitioner has been implicated in this case.

Mr Sanjay Singh, learned counsel appearing for the petitioner submits that the petitioner was in bona fide possession of the NSCs which he had validly purchased from a postal agent. It is his submission that the postal agent has not been implicated in this case and because he was in bona fide possession of the NSCs, he used them as earnest money/security deposit while participating in the tender from National Highway (for brevity, *NH*) Division. The *NH* Division must also have examined the veracity of the NSCs and obtained lien from the Issuing Authority. The essence of the submission is that the implication of the petitioner is without any basis and that he is in bona fide possession of the NSCs.

Mr Bipin Kumar Sinha, learned Standing Counsel appearing for the CBI has submitted that the scope of



consideration before the Special Judge at the stage of taking cognizance was limited. He submits that law is well settled that sufficiency of the material at the stage of taking cognizance is only to see whether on the basis of allegations made by the prosecution in the first information report along with material collected during course of investigation, the ingredients of the offence for which cognizance is being taken is being made out from the uncontroverted allegations.

Having regard to the fact that the investigation has come across use of the missing NSCs by the petitioner-company, there was sufficient material before the Court for the purposes of taking cognizance.

Being faced with the limited scope of consideration at the stage of cognizance, Mr Singh would submit that he would raise all the issues before the Court below at the appropriate stage for consideration and pray for discharge in the proceedings.

In view of such submission, he does not wish to press this application. This application is, accordingly, disposed of, as not pressed.

Disposal of the instant application would not prejudice the petitioner's claim based on the submissions



recorded hereinabove at the appropriate stage in accordance
with law.

(Madhuresh Prasad, J)

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