

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32675 of 2021

Arising Out of PS. Case No.-255 Year-2020 Thana- PATLIPUTRA District- Patna

SACHIN MATHUR S/o Dr. NML Mathur Resident of Flat No. 36, Nishkam Apartment, Plot No. 23, Dwarka Pocket-6, Nasir Pur South West Delhi, P.S.- Dwarka, District- New Delhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43298 of 2021

Arising Out of PS. Case No.-255 Year-2020 Thana- PATLIPUTRA District- Patna

IRSHAD KHAN @ IRSHAD @ IRSHAD AHMED SON OF MD. SHAMI AHMED R/O - JONAPUR, P.S.- MEHRAULI, DISTRICT- SOUTH DELHI (NEW DELHI-110074)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46364 of 2021

Arising Out of PS. Case No.-255 Year-2020 Thana- PATLIPUTRA District- Patna

AMIT KUMAR DUBEY S/o RAMESH KUMAR DUBEY R/o F-505, PARSVNATH PRESTIGE, SECTOR-93A, BAJIDPUR, MAHARSHI NAGAR, GAUTAM BUDDHA NAGAR, P.S.-NOIDA PHASE-2, DISTRICT-GAUTAM BUDDHA NAGAR (U.P)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32675 of 2021)

For the Petitioner/s : Mr. S.D Sanjay Sr. Adv.
Mrs. Priya Gupta, Adv.
Ms. Ananya Maitin, Adv.

For the Opposite Party/s : Mr. J.N. Thakur

(In CRIMINAL MISCELLANEOUS No. 43298 of 2021)

For the Petitioner/s : Mr.Raj Kumar
Rajnish Kumar, Adv.
Sarvottam Kumar, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal
Mr. J.N. Thakur

(In CRIMINAL MISCELLANEOUS No. 46364 of 2021)



For the Petitioner/s : Mr.Raj Kumar
Rajnish Kumar, Adv.
Sarvottam Kumar, Adv.
For the Opposite Party/s : Mr.Tarun Prasad Mandal
Mr. J.N. Thakur
Mr. Mohhamad Arif

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 29-06-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard Mr. S.D Sanjay, the learned senior counsel for the petitioner Sachin Mathur and Mr. Raj Kumar, learned counsel for the petitioners Amit Kumar and Irshad Khan as well as Mr. J. N. Thakur, the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Patliputra P.S. Case No. 255 of 2020 registered for offence punishable under sections 419, 420, 406, 467, 468, 471 of the Indian Penal Code.

Mr. Siddharth Kasana is the informant in this case. He lodged the FIR stating therein that he is the Director of MSD Telematics Private Ltd. and for conducting the business in Bihar and Jharkhand, he appointed co-accused Ashmeet Singh as a Director (Operation) of that Company. Said Ashmeet Singh in collusion with the employees of the Company, namely, Prashant



Yadav, Dheeraj Dhanraj and Lalit misappropriated crores of rupees of the Company and formed a new Company as IMZ Corporate Private Ltd. and started parallel business to MSD Telematics Private Ltd. When the informant returned from abroad, co-accused Ashmeet Singh resigned from his office. It is also alleged that said Ashmeet Singh used the letter head and seal of MSD Telematics Private Ltd. It has been alleged that after opening of new Company as IMZ Corporate Private Ltd, Ashmeet Singh could not use the letter head and seal of MSD Telematics Private Ltd. It has also been alleged that the present petitioners along with Prashant Yadav, Harsh Malhotra, Mukesh Kumar and Dheeraj Dhanraj had complicity in the alleged offence.

The learned counsel for the petitioners have submitted that Prashant Yadav, Harsh Malhotra, Mukesh Kumar, Dheeraj Dhanraj and Lalit Kumar have been granted anticipatory bail by the learned court below itself. The learned counsels for the petitioners have also submitted that as a matter of fact, the real dispute was between Siddharth Kasana and Ashmeet Singh and these petitioners have falsely been implicated. The learned counsels have also drawn my attention towards the order dated 23.12.2020 in Criminal Writ



Jurisdiction Case No. 378/2020, which was preferred by M/S IMZ Corporate Private Ltd. against the order of the Investigating Authority of this case freezing the bank accounts of the above-named Company.

While disposing of that criminal writ petition, the Hon'ble Coordinate Bench has been pleased to consider the entire materials collected during the course of investigation and set aside the order of the Investigating Authority freezing the bank accounts of the Company, mentioning the act of the Investigating Authority as arbitrary one. The relevant portion of that order is being extracted herein below:-

“ This Court would not record any observation with regard to materials present in the case diary save and accept to say that after going through the case diary and the enclosures thereto this court is of the considered opinion that the Supervising Authority/Investigating Officer of this case has acted in hot haste in issuing direction to the banks to freeze both the accounts of petitioner No. 1 Company.”

By drawing my attention towards Founder Exit and Settlement Agreement, the learned counsels have submitted that



as per terms and conditions of the contract, co-accused Ashmeet Singh had to transfer shares to the informant Siddharth Kasana, in lieu of rupees six crores, but the informant Siddharth Kasana has not paid a single farthing till date and it was the reason that the transfer of share as stipulated/mentioned in paragraph No. 2 of the Founder Exit and Settlement Agreement could not be taken place. It has also been submitted that petitioner Sachin Mathur has resigned on 16th of March, 2020 from MSD Telematics Private Ltd. The reason for his resignation was that petitioner Sachin Mathur himself wanted that Siddharth Kasana would pay the money stipulated in paragraph No. 2 of the Founder Exit and Settlement Agreement, to which Siddharth Kasana did not comply.

The learned counsel appearing for the petitioners Irshad Khan and Amit Kumar Dubey has submitted that Irshan Khan is nothing more, but an employee of that Company and he has no role in the alleged transaction. He has also submitted that the case of Amit Kumar Dubey is on similar footing of the present petitioner Sachin Mathur.

Mr. J. N. Thakur, the learned Additional Public Prosecutor has submitted that in paragraph Nos. 7, 10, 11 and 12 of the case diary, the witnesses have supported the prosecution



case, to which the learned counsels for the petitioners have replied that in those paragraphs, the name of any of the petitioners does not find place, rather those witnesses have named only co-accused Ashmeet Singh.

Considering the above-mentioned facts and circumstances as well as the materials collected during investigation, the complicity of the petitioners does not appear *prima facie* in the present case, as such, the petitioners above named, in the event of their arrest or surrender, within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Patna in connection with Patliputra P.S. Case No. 255 of 2020, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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