

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11725 of 2021

Arising Out of PS. Case No.-2595 Year-2015 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Abhishek Kumar @ Abhishek Srivastav Son Of Sri AMARENDRA KUMAR Srivastava Resident Of In front of Old T.V. Centre Shahganj Benta, P. S. - Laheriasarai, District - Darbhanga, the then Branch Manager Jasauli Patti, Central Bank of India Branch, P.S. -Kotwa, District - East Champaran, at present Branch Manager, Central Bank of India, A.P.M.C. Branch Bettiah, West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RANJIT THAKUR SON OF BANARAS THAKUR Resident Of Village - Kotwa Tilaiya, P.S.- Kotwa, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioner and learned APP for the State.

This petition has been filed for seeking quashing of the impugned order dated 23.05.2017 passed by learned Additional Chief Judicial Magistrate-10, Motihari whereby and whereunder the cognizance has been taken against the petitioner under Sections 406, 504 and 120B of the Indian Penal Code and also quashing of Revisional Order dated 16.12.2019 in Cr. Revision No.234 of 2017 passed by learned 12th Additional Sessions Judge, East Champaran, Motihari.



It is submitted by learned counsel for the petitioner that petitioner is innocent and he has committed no offence and he has falsely been implicated in this case. He further submits that the complainant had applied for a loan purchasing of a three-wheeler (Tempo) and from the complaint petition, it is clear that a three wheeler (Tempo) was allegedly given to him although he allegedly stated in complaint petition in para-2 that after three months an old tempo was given to him. He further submits that in the complaint petition in para-1 that one amount is completely blank and it is strange that the complainant allegedly took possession of the said three-wheeler (Tempo) although he claims that the same was old one and he further stated that form-21 and 22 was not given. He further submits that the present complainant who approached the Bank for loan for the purpose of purchasing a three wheeler (Tempo) for which he filed application for loan along with quotation and after scrutiny, the same was sanctioned and thereafter the agreement was executed on 20th of November, 2013 and a loan amount of Rs.1,57,500/- was sanctioned for Bikram vehicle no.450B. He further submits that the present complainant after receiving the tempo (Bikram) gave in writing that he received the said tempo (Bikram) being Chasis No.00067496, Engine



No.53118175179 and he further gave undertaking that from 29.01.2014, the entire responsibility of the said vehicle will be of him.

This Court find no illegality in the impugned order as the learned ACJM as well as Revisional Court are well within the jurisdiction to take cognizance, if, *prima facie*, finding the case true against the petitioner. Hence, this Court is not inclined to interfere the order at this stage. However, the petitioner shall be at liberty to raise all the contentions at the time of framing of charge, if the charge has already not been framed.

With the aforesaid observation/direction, the application stands disposed off in connection with Complaint Case No. 2595 of 2015/Trial No.1893 of 2016.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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