

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11619 of 2019

Arising Out of PS. Case No.-236 Year-2010 Thana- KATIHAR NAGAR District- Katihar

NAVIN CHANDRA JHA S/o Bishwambhar Jha R/o Vishwakunj, Near Pani
Tanki, Ishak Chak, Bhagalpur, P.S- Town and Distt- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Senior Manager Canara Bank, Girls High School Road, Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binodanand Mishra
For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and the

learned counsel for the Canara Bank.

This application has been filed for quashing the
order taking cognizance dated 21.05.2015 arising out of Katihar
Town P.S. Case No. 236 of 2010 (G.R. No. 1517 of 2010)
pending in the Court of learned C.J.M. Katihar, registered for
the offences under Sections 406/420/467/471 of the Indian
Penal Code.

The prosecution story in short is that the Branch
Manager of Canara Bank lodge an F.I.R. against Md. Nishar
Alam (Proprietor of M/S Regal Watch & Electronics). As per
the allegation made in the F.I.R. Md. Nishar Alam was the



borrower of the Bank and he was sanctioned a loan facility of Rs. 8 lakhs. The loan was backed by the personal guarantee of Md. Khurseed. Agreement to this effect was executed by the borrower in favour of the bank. Later on it was found that the borrower submitted forged document pertaining to the mortgage i.e. chirkut in the name of his brother Md Khursheed Alam.

The learned counsel for the Canara Bank has submitted that the case was filed by the Bank against the borrower and not against the valuer. During investigation, the police has made the valuer an accused.

Learned counsel for the petitioner has submitted that there is no criminal allegation against the valuer as the valuer is obliged to value the property before the disbursal of the loan and it is an admitted fact that the Bank was not dissatisfied with the work of the valuer.

Considering the aforesaid, this application is allowed.

The order taking cognizance dated 21.05.2015 arising out of Katihar Town P.S. Case No. 236 of 2010 (G.R. No. 1517 of 2010) pending in the Court of learned C.J.M. Katihar, registered for the offences under Sections 406/420/467/471 of the Indian Penal Code with regard to the



petitioner is hereby quashed and the prosecution of the other
accused shall continue.

(Sandeep Kumar, J)

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