

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24608 of 2016

Arising Out of PS. Case No.-51 Year-2011 Thana- PATNA CITY CHOWK District- Patna

Shyam Sunder Bhartia Son of Late Govind Prasad Bhartia having its Office at 308, Verma Centre, Boring Road, P.S. Shree Krishnapuri, Town and District Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. The Branch Manager, Punjab National Bank, Murcha Road, Patna City, Town and District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Advocate Mr. Alok Kumar Agrawal, Advocate
For the Opposite Party/s	:	Mr. S. Dayal, APP Mr. Suresh Prasad Singh No.1, Advocate Ms. Kumari Rashmi, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-09-2023 1. Heard learned Senior counsel for the petitioner, learned counsel for the Bank and learned A.P.P. for the State.

2. Learned Senior counsel for the petitioner, after arguing vehemently for sometimes, seeks permission to withdraw the present quashing application with liberty to raise all the issues at the time of framing of charge as it has been submitted that petitioner is a valuer and the sale deed which was handed over to him by the bank based on which he submitted his valuation report after inspecting the property in question, but later it was found that the sale deed was forged and fabricated as such the bank in order to save its own skin, instituted the present



FIR implicating the petitioner. It is further submitted that the allegation in the FIR is that the sale deed recorded an area of 6.25 decimal and the report of the valuer also recorded the same measurement of the land but the bank subsequently got the land measured by another valuer who submitted a report that the land is measuring only 3.125 on which the learned Senior counsel for the petitioner submits that the said inquiry was conducted behind the back of the petitioner and neither the inquiry report nor an opportunity was given to the petitioner to furnish his explanation with regard to the subsequent report. It is thus submitted that had an opportunity been given to the petitioner to rebut the second measurement by the subsequent valuer, in that event, the petitioner would have disputed the report of the subsequent valuer, it is submitted that since the loanee was in connivance with the bank and thus received the loan based on forged and fabricated sale deed and when the same surfaced, the bank got the land measured by the subsequent valuer and implicated the petitioner without giving him any opportunity to rebut the subsequent report, it is further submitted that in the nature of allegation *prima-facie* no criminal case is made out against the petitioner.

3. Permission is accorded.



4. Accordingly, the present quashing application is
dismissed as withdrawn.

(Satyavrat Verma, J)

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