

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.996 of 2017

Arising Out of PS. Case No.-2975 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Sadhvi Bibha Nand Giri and Anr C/o Shri Pragyanand Giri Maharaj, R/o Sai Pragaya Dham, Pragya Marg, D-Block Saket, Under Saket P.S., New Delhi-110017.
 2. Pragayanand Giri S/o Not Known R/o Sai Pragaya Dham, Pragya Marg, D-Block Saket, Under Saket P.S., New Delhi- 110017.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rekha Singh W/o Shri Prakash Singh, R/o Rekha House, behind utsahav Hotel, New Dakbanglow Road, Near Gandhi Maidan, P.S.- District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kuber Pathak

For the Respondent/s : Sri Chandrasen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 28-06-2023 Heard the parties.

This application has been filed against the order dated 14.09.2017 passed by learned S.D.J.M, Patna in connection with Complaint Case No. 2975 (C) of 2013 lodged under Section 420, 406, 467 and 120B of the Indian Penal Code.

The prosecution case in short is that the accused persons had cheated the complainant and when the complainant demanded her money, initially the accused persons turned hostile and later on negotiation took place at Mediation Centre,



New Delhi, between them where the accused persons agreed and returned only Rs. 40,00,000/- to the complainant by way of two post-dated cheques of Rs. 20 Lacs each. Out of two cheques, one was honored and another bounced back due to insufficient fund in the account.

It has been submitted by the learned counsel for the petitioners that the petitioners are innocent and have committed no offence. They have been made accused in this case under a deep rooted conspiracy. From the evidence of the complaint case it is crystal clear that after the settlement took place before Delhi Mediation Centre, the complainant has settled the entire dispute with the petitioners in just Rs. 40 lacs and payment in this regard were also made to her vide two cheques of Rs. 20 lacs each. Unfortunately one of the said cheque has bounced back but the said amount for the same has been paid her immediately in Complaint Case No. 2974C of 2013.

Learned counsel for the petitioner further submits that complainant herself admitted in her evidence particularly in paragraph 19 and 20 that she got money which was compromised between the petitioners and herself.

It has further been submitted by the learned counsel for the petitioners that the Trial Court has misconstrued the



order passed by the Sessions Court and failed to appreciate the case of the petitioners separately and clubbed the evidence against them as a result of which separate appreciation of petitioners could not be done and after remand he has not considered the case of the petitioners.

It has been submitted by the learned A.P.P. for the State that the entire case of the petitioners has been considered by the learned Magistrate in the impugned order which is a detailed order.

Learned Magistrate has found strong *prima-facie* case against the petitioners after holding that there was sufficient ground for framing of charge under Sections 406, 420 and 120B of the I.P.C., he rejected the discharge petition.

I have considered the materials available on record. Cheque issued of Rs. 20 lacs has been dishonoured and pursuant to the dishonor of cheque, legal notices were sent to the petitioners and the accused persons. They have failed to make payment.

In these circumstances, in view of the law laid down by the Hon'ble Supreme Court in the case of *State of Bihar vs Ramesh Singh 1977 SCC (4) 39* and *R. Soundirarasu vs State of Karnataka through D.S.P. 2022 (4) PLJR (4) SC*,



this application is dismissed.

The Trial Court is directed to expedite the trial of
the petitioner.

Let a copy of this order be communicated to the
District Judge, Patna through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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