

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.867 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- SACHIVALAYA District- Patna

1. DILEEP KUMAR Son of Jayprakash M A Director Datacon Technologies Pvt Ltd, R/o 389, 4th main 3rd Phase 3rd Stage, Kathriguppe, South Bangalore, Bengaluru, Karnatka - 560085
2. Dileep Kavitha Wife of Dileep Kumar Director Datacon Technologies Pvt Ltd, R/o 389, 4th main 3rd Phase 3rd Stage, Kathriguppe, South Bangalore, Bengaluru, Karnatka - 560085
3. Raghavendra Narayan Kulkarni Son of Narayan Kulkarni R/o 498/51, 3rd floor, 4th A Cross, RPC Layout Vijaynagar, North Bangalore, Bengaluru, Karnatka - 560104
4. Amresh Singh Son of Ramdeo Singh Ex Project Incharge, Datacon Technologies Pvt Ltd, Maurya Vihar Colony, Opposite B.K. Singh, Near D.A.V. School, Kumhrar, B.H. Colony, Patna Sadar, Patna, Bihar - 800026
5. Pramit Kumar Keshari Son of Dilip Prasad Keshri System Administrator/ Data Centre Expert, Datacon Technologies Pvt Ltd, Near Chatt Talab, Vikash Nagar, Katras Road, Matkuria, Dhanbad, Jharkhand - 826001
6. Datacon Technologies Pvt. Ltd. through its Director Dileep Kumar At 31/10 Left of Magadi Main Road, Behind Saraswathi Convention Center, Bengaluru, Karnatka - 560079

... .. Petitioner/s

Versus

1. The State of Bihar, through Chief Secretary State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Senior Superintendent of Police, Patna
4. The Officer-In-charge, Sachivalaya Police Station, District Patna
5. Krishna Kumar, Deputy Commissioner, Prohibition, Excise and Registration Department, New Secretariat, Patna, Bihar

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 944 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- SACHIVALAYA District- Patna

1. DILEEP KUMAR, DIRECTOR DATACON TECHNOLOGIES Son of Jayprakash M A R/o 389, 4th main 3rd Phase 3rd Stage, Kathriguppe, South Bangalore, Bengaluru, Karnataka-560085
2. Dileep Kavitha, Director Datacon Technologies Wife of Dileep Kumar R/o 389, 4th main 3rd Phase 3rd Stage, Kathriguppe, South Bangalore, Bengaluru, Karnataka-560085
3. Raghavendra Narayan Kulkarni Son of Narayan Kulkarni R/o 498/51 3rd



floor, 4th A cross, RPC Layout Vijaynagar, North Bangalore, Bengaluru, Karnataka- 560104

- 4. Amresh Singh, Ex Project Incharge, Datacon Technologies Son of Ramdeo Singh R/o- Maurya Vihar colony, Opposite B.K. Singh, Near D.A.V. School, Kumhrar, B.H. Colony, Patna Sadar, Patna, Bihar-800026
- 5. Datacon Technologies Pvt Ltd through its Director Dileep Kumar At 31/10 Left of Magadi Main Road, Behind Saraswathi convention Center, Bengaluru, Karnataka 560079

... .. Petitioner/s

Versus

- 1. The State of Bihar, through Chief Secretary State of Bihar
- 2. The Director General of Police, Bihar, Patna
- 3. The Senior Superintendent of Police, Patna
- 4. the Officer- In- Charge, Sachivalaya Police Station, District- Patna
- 5. Krishna Kumar, Deputy Commissioner, Prohibition, Excise and Registration Department New Secretariate, Patna, Bihar

... .. Respondent/s

Appearance :

(In Criminal Writ Jurisdiction Case No. 867 of 2022)

- For the Petitioner/s : Mr.Dhananjay Kumar, Adv.,
Mr. Kumar Amit, Adv.
- For the State : Mr. M. Nasrul Huda Khan, SC-1,
Ms. Babita Kumari, AC to SC-1
- For respondent no. 1 : Mr. Vikash Kumar, Adv.,
Mr. Akash Chaturvedi, Adv.

(In Criminal Writ Jurisdiction Case No. 944 of 2022)

- For the Petitioner/s : Mr.Dhananjay Kumar, Adv.,
Mr. Kumar Amit, Adv.
- For the State : Mr. M. Nasrul Huda Khan, SC-1,
Ms. Babita Kumari, AC to SC-1
- For respondent no. 1 : Mr. Vikash Kumar, Adv.,
Mr. Akash Chaturvedi, Adv.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

Date : 15-03-2024

Heard the parties.

2. Both the writ petitions are taken up together for hearing and order because of the fact that the writ petitions arose



out of the same F.I.R. against the officials of Management of Datacon Technologies Private Limited.

3. In Cr.WJC No. 867 of 2022, the petitioner nos. 1 and 2 are the Directors of Datacon Technologies Private Limited and petitioner nos. 3 to 5 are the employees, Ex Project Incharge, System Administrator etc.

4. At the outset, it is necessary to state the following facts in brief:-

Bihar State Beverages Corporation Limited (BSBCL) and Karnataka State Electronics Development Corporation Limited (KEONICS) entered into a contract on 16th January, 2017, by executing a Master Service Agreement (MSA) as Total Solution and Service Provider (TSSP) to implement the project of IEMS for the Department of Prohibition, Excise and Registration, Government of Bihar. KEONICS undertook the project of IEMS through its impanelled agency Datacon Technologies Private Limited.

5. It is the case of the petitioners that the Department committed contractual breach in the form of Master Service Agreement, dated 16th January, 2017, which nowhere prescribed for criminal liability against the other party. Moreover, IEMS is having detailed provision for dispute resolution which includes



escalation, mediation and provision of arbitration clause as per Arbitration and Conciliation Act, which can be invoked in case the complainant Department has any grievances against the vendor i.e. KEONICS.

6. It is the allegation of the respondents that on behalf of KEONICS, Datacon Technologies Private Limited conducted entire work of data entry establishment of data center, but they have not made IEMS operational till date.

7. It is contended on behalf of the petitioners, on the other hand, that the entire dispute cropped up on the question of non-payment of money which the Datacon Technologies Private Limited claimed for their work through KEONICS.

8. Be that as it may, this Court is of the opinion that for the dispute between the parties, no criminal liability arises. Therefore, I have no other alternative but to quash the criminal proceeding against the petitioners in both the writ petitions.

9. However, BSBCL, KEONICS and Datacon Technologies Private Limited are directed to sit together to resolve their grievances within four weeks from the date of this order, so that IEMS may be made operation, subject to any technical glitches and the question regarding payment or non-payment of the



costs for the project shall be determined directly between BSBCL and KEONICS.

10. Accordingly, the instant writ petitions are disposed of.

(Bibek Chaudhuri, J)

pravinkumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

