

(2023) 03 JH CK 0004

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 2613 Of 2015

Amal Patra

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 14-03-2023

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 420, 467, 468, 471, 472
Prize Chits And Money Circulation Schemes (Banning) Act, 1978 — Section 3, 6

Citation : (2023) 03 JH CK 0004

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : T.K. Mishra, Azeemuddin

Final Decision : Dismissed

Judgement

Sanjay Kumar Dwivedi, J

Heard the learned counsel appearing for the petitioner and the learned counsel appearing on behalf of the respondent State.

The present petition has been filed for quashing of the order dated 30.07.2013 passed by learned Additional Chief Judicial Magistrate, Ghatshila whereby he has taken cognizance under sections 420, 467, 468, 471, 472 and 120B of the IPC and section 3/ 6 of the Prize Chits and Money Circulation Scheme (Banning) Act 1978 pending in the court of learned Additional Chief Judicial Magistrate, Ghatshila.

The FIR was registered alleging therein that the letter no.409 confidential dated 19.03.2013 which had come from D.C. East Singhbhum, addressed to SDO Ghatshila and accordingly on 30.4.2013 at 12.00 noon informant along with some other officials came in the office of JNT Overseas Infrastructure at about 12.30 p.m and arrested one person namely Shyamal Murmu who is the Branch Manager of JNT Organization Ghatshila Branch. It is clear in the FIR that at 2.20 p.m the informant and the police party reached Mangalam Agro Product Ltd.,

Dahigora, Ghatshila for searching and verifying the proper documents for that organization and accordingly they prepared seizure list in Mangalam Agro Product Ltd and arrested the petitioner who was the Branch Manager of the organization and thereafter the FIR was registered.

The learned counsel for the petitioner submits that the petitioner was only employee of the company in question and he was working there as an Accountant and he was found in possession of some documents and that is why he has been made accused and in that view of the matter the proceeding is an abuse of process of law against the petitioner.

Per contra, Mr. Azeemuddin, the learned counsel for the State submits that from possession of the petitioner the documents have been seized which are the subject matter of the investigation. He further submits that pursuant to the order passed passed in the PIL now all chit fund matters have been taken over by the CBI and investigation are being made by the CBI.

In view of the above submission of the learned counsel for the parties, the Court has gone through the contents of the FIR and finds that there are allegation of the documents seized from the possession of the petitioner and the CBI has further taken however the matter and the investigation is being made and what are the materials further came are not before the Court and in that view of the matter, and the name of the petitioner has come in the charge sheet, no relief can be extended to the petitioner, the Court is not inclined to interfere in this case and accordingly, the Cr.M.P.No.2613 of 2015 is dismissed.

Interim order passed earlier stands vacated.