

(2007) 01 PAT CK 0029

In the Patna High Court

Case No : Criminal Miscellaneous No. 37404 of 2006

Amar Nath Das

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 11-01-2007

Acts Referred:

Citation : (2007) 1 PLJR 633

Hon'ble Judges : Syed Md. Mahfooz Alam, J

Bench : Single Bench

Advocate : N.K. Agrawal, Bhola Prasad, Ravi Bhushan Prasad, for the Appellant; N.N. Tiwary and Mr. Surendra Kumar For the Complainants, for the Respondent

Judgement

Syed Md. Mahfooz Alam, J.—Cr. Misc. Nos. 37404 of 2006, 37369 of 2006 and 37357 of 2006 filed on behalf of petitioner Amar Nath Das and Cr. Misc. Nos. 48072 of 2006, 48024 of 2006 and 47151 of 2006 filed on behalf of petitioner Om Prakash Srivastava have been pressed for hearing. Heard Mr. N.K. Agrawal, learned Senior Advocate of behalf of petitioner Amar Nath Das. Also heard Mr. Rabi Bhushan Prasad, learned Advocate on behalf of the petitioner Om Prakash Srivastava. Also heard Mr. Surendra Kumar and Mr. N.N.Tiwary, learned Advocates on behalf of the State and the Complainant.

2. During course of argument, a supplementary affidavit has been filed on behalf of the petitioner, Amar Nath Das showing the names of loanees who had taken loan from Punjab National Bank Karamchari Bachat Ewam Sakh Swablambi Sahkari Samittee Ltd., Katihar (in short "the Samittee"). From perusal of the said list, it appears that all the loanees are either the employees of Punjab National Bank, Katihar or they are employees of N.F. Railway, Katihar and some of them are said to be the agents of the abovementioned Samittee. Petitioners' names (Amar Nath Das and Om Prakash Srivastava) do not appear in the list of the loanees. But it is strange that the petitioners being the office bearers of the Samittee did not take any legal step either criminal or civil to recover the money of the depositors from the loanee. If the petitioners would have taken proper

steps by filing civil suit and by taking steps for attaching the salary/provident fund/other assets of the loanees then in that case the depositors would have received back their money much earlier.

3. However, the learned Advocates of the petitioners submitted in Court that their clients are ready to file civil suit/ criminal case for recovery of the loan by way of attachment of the salary/provident fund and other assets of the loanees in order to repay the amount to the depositors. The learned Advocates have prayed a fortnight time for taking proper recourse in this regard.

4. In view of the prayer of the learned Advocates of the petitioners, a fortnight time is granted to the petitioners to take necessary legal action against all the loanees who had defaulted in repayment of loan as a result of which the amount deposited by the small depositors could not be returned back.

5. It has been submitted by the learned Advocates of the petitioners that for filing civil suit, the petitioners have to pay the court-fees but the petitioners are not in a position to pay the court-fees.

6. I think that it is not a proper forum to raise this question. It is better that the learned Advocates may raise this question before the Legal Services Authority.

7. Put up this case for admission on 31.1.2007, as prayed for. At the request of the learned Advocates of the petitioners, let a copy of this order be handed over to the learned Advocates of the petitioners as well as of the complainant. Let a copy of this order be also handed over to the learned A.P.P. that the State may also take necessary step for recovery of the entire amount which runs in crore.