
(2022) 03 JH CK 0038

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 1148 Of 2015

Lal Babu Singh

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 15-03-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 341, 420, 427, 467, 468, 471, 506
Arms Act, 1959 — Section 25(1b)a, 35

Citation : (2022) 03 JH CK 0038

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Akriti Shree, Chanchal Jain, Praveen Kumar

Final Decision : Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

This petition has been filed for quashing of entire criminal prosecution initiated against the petitioner vide F.I.R bearing Dhanbad (Bank More) P.S.Case No.593/2015 dated 06.06.2015 corresponding to G.R.Case No.2572/2015 lodged under sections 420/467/468/471/34 of the I.P.C. and sections 25(1-b)a/35 of the Indian Arms Act, 1959, pending in the court of learned Chief Judicial Magistrate, Dhanbad.

The F.I.R was lodged on the statement of Officer Incharge, namely Ashok Kumar Singh, alleging therein:

That the petitioner along with his personal bodyguard namely Amal Thapa came to the Bank More police Station at about 8 pm on 30.05.2015 and on his written request an FIR bearing Bank More P.S. Case No.561 of 2015 dated 30.05.2015 under sections 341/323/427/506/34 IPC, when the petitioner left the police station, the informant received a secret information that the said bodyguard of the petitioner was having a pistol and he had obtained the licence for the same by committing fraud and cheating. After making entry in the station diary, at

about 10.10 pm, the police party inspected the temporary residence of the said Amal Thapa for seizure of the pistol and licence in question and in this course, the police found a copy of the arms licence bearing no.316/2009, which was issued by the District Arms Officer, Khagariya, Bihar and a copy of AADHAR of Amal Thapa. Later on, the Arms licence of Amal Thapa was verified from the office of District Arms Officer, Khagariya, Bihar which was found false and fabricated.

The learned counsel appearing for the petitioner submits that the petitioner is a reputed business man of the locality and belongs to a very respected family. He further submits that the petitioner is innocent and according to him, the entire allegation is against one Amal Thapa who was only known to the petitioner and he was the resident of the colony in which the petitioner resides. He submits that only on suspicion the petitioner has been implicated in this case.

It has been disclosed in the F.I.R that the petitioner was accompanying Amal Thapa in whose possession the arms in question was there. In the FIR it has been alleged that the petitioner is the master of Amal Thapa and the allegations of taking the arms by way of creating the forged document. Only the FIR is under challenge. The things are hazy before this Court.

Subsequently, the I.A has been filed for amending the prayer portion of the petition praying therein to allow to challenge the cognizance order dated 23.11.2020.

On perusal of the cognizance order also it transpires that the learned court has applied his mind and looking into the prima facie case is made out against the petitioner, the cognizance has been taken.

At this stage, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the instant petition with liberty to take all the grounds at appropriate stage.

The instant petition is permitted to be withdrawn and disposed of with the liberty to take all the grounds at appropriate stage.

Interim order dated 07.07.2015 stands vacated.

I.A.No.624/2022 and I.A.No.1868/2022 stand disposed of.