

(2009) 04 AHC CK 0420
In the Allahabad High Court

Md.Shahid

APPELLANT

Vs

State of U.P.& Ors

RESPONDENT

Date of Decision : 15-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0420

Hon'ble Judges : Abdul Mateen, J and Ashwani Kumar Singh, J

Final Decision : Dismissed

Judgement

Ashwani Kumar Singh, J.

Heard learned counsel for the petitioner and learned Additional Government Advocate, who has accepted notices on behalf of the respondents 1 to 3.

Issue notice to respondent no. 4, returnable at an early date.

Let counter affidavit be filed by the respective opposite parties within six weeks. Rejoinder affidavit, if any, may be filed within next two weeks.

Under challenge is FIR relating to case crime no. 93 of 2009, under Sections 419/420, police station Kotwali, district Barabanki.

Submission of learned counsel for the petitioner is that it is accepted that the loan was taken by the petitioner from Bank of Baroda, Branch Barabanki, to the tune of rupees three lacs only after mortgaging the original papers of saledeed given by one Shauket Ali and Mangu Khan as far back as in the year 1999, but when the recovery notices were issued on 10.01.2008 both Shauket Ali and Mangu Khan informed the bank that they had stood guarantors and had not placed the papers of saledeed in the bank and, as such, the impugned FIR is an outcome of the information given by said Shauket Ali and Mangu Khan. Further submission of the learned counsel for the petitioner is that bank personnels in view to conceal their mistake and involvement discovered a new mode of lodging FIR against the persons, who had taken loan from the bank, likewise the petitioner.

In the aforesaid circumstances, we hereby provided that the petitioner shall not be arrested in the aforesaid crime number till further orders of this Court or till submission of charge sheet, whichever is earlier.

Investigation shall go on and the petitioner shall cooperate in the investigation.

List this petition after expiry of the said period.