
(2012) 02 JH CK 0089

In the Jharkhand High Court

Case No : Criminal Miscellaneous No. 8772 of 19999 (R)

Mukesh Ranjan Singh and Rajneesh Ranjan Srivastava @
Rajnish Srivastava

APPELLANT

Vs

The State of Bihar and Nasrudin

RESPONDENT

Date of Decision : 16-02-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 387

Citation : (2012) 02 JH CK 0089

Hon'ble Judges : Prashant Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prashant Kumar, J.—This application has been filed for quashing order dated 05.10.1999 passed by Judicial Magistrate, 1st Class, Jamsedpur in C/ 1 Case no. 814 of 1999, whereby he took cognizance against the petitioners u/s 387 of the I.P.C. It is submitted by Sri Ananda Sen, learned counsel for the petitioners that from perusal of complaint petition and other materials, no offence u/s 387 of the I.P.C. is made out. He submits that admittedly, complainant took truck in question from petitioners on the basis of hire-purchase agreement. It is submitted that petitioners have right to take possession of the truck on non-payment of loan amount. Accordingly, he submits that impugned order may be quashed.

2. On the other hand, Mr. Krishna Shankar, learend Addl. P.P. submits that from the averments made in the complaint petition, offence u/s 387 of the I.P.C. is made out. Accordingly, he submits that court below rightly took cognizance against the petitioners u/s 387 of the I.P.C.

3. Having heard the submissions, I have gone through the records of the case.

4. Admittedly, court below took cognizance against the petitioners u/s 387 of the I.P.C. At paragraph 2 of the complaint petition, it is alleged that accused no. 1

put his revolver on the fore-head of complainant and, forcibly took his signature on a paper. It is further alleged that other accused took out leather bag of complainant containing Rs. 20,000/- and handed it over to accused no. 1. Thus, in my view, prima facie offence u/s 387 is made out from the allegations made in the complaint petition. Accordingly, I find that no illegality in the impugned order. In the result, there is no merit in this applications which is accordingly, dismissed.