
(2004) 06 JH CK 0032

In the Jharkhand High Court

Case No : Criminal M.P. No. 141 of 2003

Ravi Gopal Singh and Others

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

Date of Decision : 21-06-2004

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 190, 482

Citation : (2004) 2 JCJR 68 : (2004) CriLJ 4769 : (2004) AIR Jhar HCR 2744

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : Lakhand Chandra Roy, for the Appellant; Assistant Public Prosecutor, for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—In this application filed u/s 482 , Cr.P.C. the petitioner has prayed for quashing the order dated 21-1-2003 passed by Additional Session Judge, Deoghar in Criminal Revision No. 158 of 2001 and the order dated 25-6-2001 passed by Judicial Magistrate , Deoghar in P.C.R. Case No. 195 of 2001 by which cognizance of the offence under Sections 400, 408, 409, 420, 468 and 120B IPC has been taken against the petitioner.

2. The opposite party No. 2 who is the complainant filed a complaint case before the Chief Judicial Magistrate, Deoghar alleging inter alia that he was elected to the office of honorary Secretary of Deoghar Cooperative Gramin Bank and started discharging duties. However the complainant was removed from the office on 1-4-1999 and against that order he preferred a revision before the Registrar Co-operative Societies. The Registrar Co-operative Societies set aside the order of removal and allowed him to remain in the office of the Secretary. By the said order consequently the petitioner was removed from the office of the Secretary. It was alleged that while working as Secretary petitioner in connivance with other accused persons had withdrawn huge amount by cheque.

3. The Registrar considering the allegations made in the complaint also the material brought on record took cognizance of the offence against the petitioner. The petitioner challenged the said order by filing Criminal Revision No. 158 of 2001. The first Additional Sessions Judge Deoghar dismissed the revision taking into consideration that the petitioner had withdrawn sufficient amount by various cheques.

4. In the light of the aforesaid facts this Court cannot re-appreciate the entire facts particularly when the order of cognizance was affirmed by the Additional Sessions Judge and the Criminal Revision led by the petitioner was dismissed. I am, therefore, of the view that the petitioner may raise all the points at the time of framing of charge. At this stage I am not inclined to interfere with the order of cognizance. This application is dismissed.