

(2011) 04 PAT CK 0270

In the Patna High Court

Case No : Criminal Miscellaneous No. 19406 of 2003

Sabih Ahmad Farooqi

APPELLANT

Vs

The State of Bihar and Umesh Prasad Sinha

RESPONDENT

Date of Decision : 25-04-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 409, 420, 467, 468

Citation : (2012) 1 PLJR 410

Hon'ble Judges : Sheema Ali Khan, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sheema Ali Khan, J.—This quashing application has been filed for quashing of the order dated 08.01.2003 passed by the Judicial Magistrate, 1st Class, , Patna in Complaint Case No. 82 (C) of 2002 by which cognizance has been taken under Sections 420, 409, 120B, 467, 468 and 471 of the Indian Penal Code.

2. The complainant has alleged that in the year 1992, certain arrears of salary etc. was deposited in his account at Hatia Branch of the State Bank of India. It is said that his pass-book was missing, and later, he found that pass book was lying in the children library. The complainant is said to have informed the Branch Manager of the State Bank of India, Hatia Branch, who got a case registered in the Hatia Police Station. In the mean time, the complainant got transferred out of Ranchi and when he came to Patna, he met with the Chief General Manager with his complaints. The Chief General Manager referred the matter to the Fraud Monitoring Cell, which looked into the matter and reported that there was no forgery in the withdrawal slips and the money was actually withdrawn by the complainant. Being aggrieved by this, the present complaint case has been filed.

3. The Petitioner is the Chief General Manager of the State Bank of India (Development Banking) posted at Patna who has now retired from service.

4. In the facts of this case, I firstly find that the Petitioner could not have

instituted a case at Patna as the occurrence is said to have taken place at Ranchi. Even if the case is instituted at Patna, the allegation against the Chief General Manager cannot be sustained, on the ground that the Petitioner was not posted at Ranchi and was not directly involved in the management and function of the State Bank of India, Hatia Branch. The withdrawal is said to have taken place in the year 1992 and the present case has been filed in the year 2003, after much delay. Besides, the Petitioner cannot be slapped with the allegations of fraud, misappropriation etc. because on enquiry conducted by a team of experts, reported that no forgery was committed by the Bank. The entire gamut of facts leads this Court to conclude that the allegations are absurd as far as this Petitioner is concerned.

5. In the circumstances aforesaid, I find that no case under Sections 420, 409, 120B, 467, 468 & 471 of the Indian Penal Code is made out as far as the Petitioner is concerned.

6. In the result, this application is allowed and the order dated 08.01.2003 passed in Complaint Case No. 82 (C) of 2002 is quashed.