

(2017) 01 JH CK 0101
In the Jharkhand High Court
Case No : Cr. M.P. No. 2479 of 2015

Sanjit Mukherjee

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 04-01-2017

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, Section 34, Section 406, Section 420,
Section 467, Section 468, Section 471
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(x)

Citation : (2017) 1 AIRJharR 497

Hon'ble Judges : Mr. Rongon Mukhopadhyay, J.

Bench : Single Bench

Advocate : Mr. A.K. Sahani, Advocate, for the Petitioners; APP, for the State

Final Decision : Dismissed

Judgement

Mr. Rongon Mukhopadhyay, J.— Heard the parties.

2. In this application, the petitioners have prayed for quashing the entire criminal proceeding in connection with Parsudih P.S. Case No. 193 of 2015, registered for the offence punishable under sections 406, 420, 467, 468, 471, 120B/34 of the Indian Penal Code and Section 3(x) of the SC & ST (Prevention of Atrocities) Act, 1989.

3. It has been submitted by the learned counsel for the petitioners that petitioner no. 1 was the franchise of M/s Bright Ultra Infrastructure & Land Developer, Kolkata and so far as petitioner nos. 2 and 3 are concerned, they were merely employees of petitioner no. 1. It has further been submitted that the complainant himself was involved in collection of money and very surreptitiously he has put the blame upon the petitioners with respect to alleged misappropriation of the amount, which was collected by the company. It has also been submitted that so far as allegations under the SC & ST (Prevention of

Atrocities) Act are concerned whatever stated in the complaint petition does not attract section 3(x) of the said Act and in such circumstances, entire criminal proceedings as against the petitioners deserves to be quashed and set aside.

4. Learned A.P.P. has opposed the prayer made by the learned counsel for the petitioners.

5. It appears that petitioner no. 1 was the franchise of M/s Bright Ultra Infrastructure & Land Developer, Kolkata and he had nominated his wife who is petitioner no. 2 and petitioner no. 3 as a senior leader. It appears from the complaint petition, which was originally instituted, that huge amount was collected and receipts were also given but subsequently receipts and vouchers issued by the petitioners against the deposits were found to be fake and fabricated documents. Complaint petition therefore reveals prima facie allegation against the petitioners of duping the investors. Moreover, it is not known as to what is the stage of investigation at present. In such circumstances, when the investigation has not been concluded and in view of the allegation, which has been made in the complaint petition, I am not inclined to entertain this application at this stage. Accordingly, this application is dismissed.