(2020) 11 JH CK 0011

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No.1890 Of 2020

Sunil Kumar Das APPELLANT

Vs

State Of Jharkhand And Anr RESPONDENT

Date of Decision : 02-11-2020

Acts Referred:
Indian Penal Code, 1860 — Section 34, 420, 406, 467, 468

Citation : (2020) 11 JH CK 0011

Hon'ble Judges : Ananda Sen, J

Bench : Single Bench

Advocate : Samir Kumar Lall, Shekhar Sinha

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the petitioner and the learned Spl.P.P. for the State through Video Conferencing. The lawyers have no objection with regard to the proceeding, which has been held through Video Conferencing today at 11.00 a.m. They have no complain in respect to the audio and video clarity and quality.

2. This case was listed/supposed to be listed before the Lawazima Board for passing an order in respect of the defects, pointed out by the Office.

3. Considering the pandemic situation where the Court has minimized the footfall of the lawyers and their Clerks in the Court, this Court felt proper to get all the cases listed before this Court so that the defects can be looked into at this stage only. Thus, this case is listed today before this Court directly.

4. Office has pointed out the defect in respect of shortage of Court Fee. Counsel for the petitioner undertakes that he will deposit the Court Fee within three weeks from today.

5. Undertaking given by the counsel for the petitioner is accepted. The Deficit Court Fee should be deposited within three weeks. Other defects pointed out by the Office stand ignored for the present.

6. Petitioner has challenged the First Information Report being Sakchi Police Station Case No.53 of 2018 registered under Sections 420, 406, 467, 468 and 34 of the Indian Penal Code.

7. Counsel for the petitioner submits that the petitioner has never deposited any fake or forged documents to take loan. He submits that the petitioner has never met or was in touch with any person of Azim Enterprises, who has taken loan. He submits that the petitioner has been made scapegoat and the first information report has been lodged falsely implicating the petitioner with ulterior motive. He submits that under the signature of this petitioner, no transaction has taken place.

8. I have gone through the complaint petition, which gave rise to the present First Information Report. In this case, it has been alleged that by depositing fabricated and forged sale deeds, loan has been taken and thus, public money has been defalcated and bank has been cheated. Paragraphs 13 and 15 of the complaint petition clearly states that the recovery agency got the sale deeds, which was mortgaged, verified and both the lawyers have given the report that same are forged. Since the allegation is of forgery, First Information Report cannot be quashed. Defence of the petitioner, which is absolutely factual in nature, cannot be looked at this stage. Thus, as cognizable offence is made out and that too of misappropriation of public money, I am not inclined to quash the First Information Report.

9. This criminal miscellaneous petition is, accordingly, dismissed.

