

Arvind Jain @ Arvind Kumar Singhai Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Aug-29-2013

Appellant : Arvind Jain @ Arvind Kumar Singhai

Respondent : The State of Madhya Pradesh

Judgement :

M.Cr.C.No.4716/2008 M.Cr.C.No.4716/2008 29.8.2013 Shri Rajeev Mishra,
Advocate for the petitioner.

Shri Akshay Namdeo, Panel Lawyer for the State/respondent.

Heard the learned counsel for the parties.

The petitioner has moved a petition under section 482 of the Cr.P.C.to quash the proceedings of criminal case, which was registered at crime No.7/2008 at Police Station Khimlasa, District Sagar.

The prosecution's case, in short, is that, 62 calves were given to the applicant on Supurdginama by the Court.

Thereafter, a notice was issued to produce those calves on a particular date.

Thereafter, the applicant could not produce those calves and ultimately, those calves were recovered by a seizure memo dated 24.1.2008 and a case under section 406 of IPC was registered against the applicant.

After considering the submissions made by learned counsel for the parties, it appears that the learned counsel for the applicant took a plea that notice of demand was not served to the applicant.

However, no such order-sheet has been submitted before this Court to show that the notice was not served to the applicant.

On the contrary, looking to M.Cr.C.No.4716/2008 the order passed by the learned JMFC, it appears that a drastic step was taken by the Court when the calves were not produced before the Court, after the notice was served.

Under such circumstances, the applicant could not show any reason for not production of the calves before the trial Court and therefore, prima facie offence punishable under section 406 of IPC will constitute against the applicant.

There is no reason by which the proceeding initiated by the Police Station Khimlasa may be quashed.

Under such circumstances, petition under section 482 of the Cr.P.C. filed by the applicant Arvind Jain @ Arvind Kumar Singhai is hereby dismissed.

A copy of the order be sent to the trial Court for information.

(N.K.GUPTA) JUDGE Pushpendra

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