

**Rameshwar Pandit. Vs. State of Bihar, and anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/916017](http://sooperkanoon.com/916017)

**Court :** Patna

**Decided On :** Aug-25-2010

**Judge :** Akhilesh Chandra, J.

**Acts :** Code of Criminal Procedure (CrPC) - Section 482; Indian Penal Code (IPC) - Sections 420, 465, 466, 468, 471

**Appeal No. :** CRIMINAL MISCELLANIOUS No.5592 OF 2005

**Appellant :** Rameshwar Pandit.

**Respondent :** State of Bihar, and anr.

**Advocate for Def. :** MR. ATUAL CHANDRA, Adv.

**Advocate for Pet/Ap. :** MR. RAMA SHANKAR PRADHAN; MR. AMARENDRA NARAYAN RAI, Advs.

**Judgement :**

1. Heard learned counsel for the petitioner, Additional Public Prosecutor for the State and Sri Ashok Priyadarshi, learned counsel for the opposite party no.2.
2. This is an application under Section 482 of the Code of Criminal Procedure, seeking quashing of First Information Report of Samastipur Sadar P.S. Case No. 398 of 2002, G.R. No. 1207 of 2002 dated 04.08.2002 lodged by opposite party no. 2 under Sections 420, 465, 466, 468 & 471 of the Indian Penal Code.

3. The main contention against the First Information Report of the learned counsel for the petitioner is that with respect to same offence twice jurisdiction of criminal Court was invoked by one Ram Sakal Rai, but ultimately he lost the battle and thereafter, the opposite party no. 2 has got the case instituted, which is not at all maintainable. On the other hand, learned counsel for the opposite party no. 2 submits that it is entirely a different matter, serious offences have been committed against the employer by joining in place of another impersonating himself and after through internal investigation the case has been lodged. There is no apparent and valid reason to quash the First Information Report. Learned Additional Public Prosecutor is also of same view.

4. The relevant admitted fact of this case is that New India Assurance Company Limited issued appointment letter in favour of one Ram Sakal Rai, Son of Shiv Nandan Rai as sub-staff (peon class- iv), but somehow or other the petitioner obtained the appointment letter and by impersonating himself in place of the appointee Ram Sakal Rai, joined the post and work started doing. However, the real person on getting information raised complains, but could not succeed due to the influences exercised by the petitioner, ultimately lodged criminal case that too could not succeed, on certain technical grounds but there was internal investigation in the matter by the employer and several wrongs committed by the petitioner, to establish himself in place of real appointee have been found mentioning all such details and outcome of the investigation, the case was instituted.

5. Learned counsel for the petitioner further concedes that at no point of time in earlier cases, the employer was made party to the judicial proceedings or by any means, it was intimated by the petitioner about pendency of such proceedings either before the court below or before this Court, where Criminal Miscellaneous No. 3038 of 1994 was preferred against order taking cognizance in subsequent case instituted by the said original appointee against the petitioner, which was earlier decided in favor of the petitioner and order taking cognizance was quashed.

6. Since at no point of time, the employer was made party to the proceedings, orders passed therein may not come as a bar against the employer in filing case

for the offences committed against them.

7. In find no reason to quash the First Information Report of Samastipur Sadar P.S. Case No. 398 of 2002, which contain details of several alleged misdeeds of the petitioner along with prima facie supporting materials. Accordingly, finding no merit, this application is hereby dismissed. However, petitioner is at liberty to raise the points at appropriate stage before appropriate forum. Accordingly, this application stands disposed of.

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