

M/S Xerox India Limited vs The State Of Bihar on 8 January, 2020

Bench: Mohan M. Shantanagoudar, R. Subhash Reddy

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 0027 OF 2020
(Arising out of SLP (Crl) No.8134 of 2019)

M/S XEROX INDIA LIMITED

... Appel

VERSUS

THE STATE OF BIHAR & ANR.

... Respo

O R D E R

Leave granted.

It is the case of the respondent/complainant that the appellant has cheated the respondent and has committed criminal breach of trust. Thus, the appellant has committed the offence under Sections 406 and 420 of the Indian Penal Code.

The appellant herein filed an application before the High Court under Section 482 of the Code of Criminal Procedure for quashing the proceedings initiated against him. The application came to be dismissed by the impugned judgment.

The records reveal that the appellant M/s. Xerox India Limited was required to supply 37 photocopying machines out of which he has supplied only 24 machines. The remaining 13 machines were not supplied by the appellant. In this view of the matter, a complaint came to be lodged against the appellant with the allegation of criminal breach of trust and cheating. At the time of issuing notice, we directed the appellant to deposit a sum of Rs.47,00,000/- which is almost equivalent to the price of 13 photocopying machines with 15% interest thereon. The said amount is already deposited before this Court by the appellant on 4.10.2019.

Having heard learned counsel for the parties and perused the records, we are of the opinion that no useful purpose will be served in continuing the prosecution since the matter can be closed on a short point at this stage itself. Since the appellant has already deposited the entire amount with 15% interest thereon, the proceedings need to be quashed. Accordingly, the proceedings in

Protest-cum-Complaint Case No.3314 (C) 2011 stands quashed against the appellant.

The amount of Rs.47,00,000/- deposited before this court by the appellant shall be disbursed in favour of Respondent No.2. The appeal is, accordingly, disposed of.

.....,J.

(Mohan M. Shantanagoudar)J.

(R. Subhash Reddy) New Delhi;

January 08, 2020.

ITEM NO.1 COURT NO.13 SECTION II-A S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS Petition(s) for Special Leave to Appeal (Crl.) No(s). 8134/2019 (Arising out of impugned final judgment and order dated 17-04-2019 in CRLM No. 2790/2015 passed by the High Court Of Judicature At Patna) M/S XEROX INDIA LIMITED Petitioner(s) VERSUS THE STATE OF BIHAR & ANR. Respondent(s) [OFFICE REPORT FOR DIRECTION]) Date : 08-01-2020 This petition was called on for hearing today. CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR HON'BLE MR. JUSTICE R. SUBHASH REDDY For Petitioner(s) Mr. Rajesh P., AOR For Respondent(s) Mr. Samir Ali Khan, AOR Mr. Divakar Kumar, AOR Mr. M.H. Chauhan, Adv.

Mohd. Kaleem Khan, Adv.

Mr. Abhishek Kumar, Adv.

Mr. Paripoorn Singh, Adv.

Mr. Ajyant Singh, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeal is disposed of in terms of the signed order.

(GULSHAN KUMAR ARORA)
COURT MASTER

(R.S. NARAYANAN)
COURT MASTER

(Signed order is placed on the file)