

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 612 of 2025

Sanjay Poddar, Aged about 60 years, Son of Late Bhagwati Poddar,
Resident of Jagdam Sahay Lane, Upper Bazar, P.O. -G.P.O., P.S. -
Kotwali, District -Ranchi, Jharkhand.

.... Petitioner

Versus

1. State of Jharkhand
2. Neeraj Kumar, Son of Sarju Prasad Gupta, Resident of Sarika, Near
Sarjana Chowk, Nearby Ram Mandir, Purulia Road, P.O. -G.P.O.,
P.S. Lower Bazar, District -Ranchi -834001.

.... Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	 : Mr. Vikas Pandey, Advocate : Mr. Janak Kr. Mishra, Advocate : Ms. Diksha Dwivedi, Advocate
For the State	: Mr. Rajesh Kumar, Addl. P.P.
For the O.P. No.2	: Mr. Sugandha Jaiswal, Advocate : Mr. Vipul Poddar, Advocate

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By the Court:-

1. Heard the parties.
2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 with a prayer to quash the order dated 10.12.2024, passed by the learned Judicial Magistrate -1st Class - XXX, Ranchi in Complaint Case No. 3759 of 2019 whereby and where under the learned Magistrate has directed the complainant-petitioner to produce the statement of account of bank account ending with the four digits as mentioned in the said order.

3. The brief fact of the case is that during the trial of the Complaint Case No. 3759 of 2019, involving the offence punishable under Section 138 of the Negotiable Instrument Act, a contention was raised by the accused that he has already paid Rs.10,00,000/- through two different R.T.G.S. mode to the complainant. The complainant accepted receiving Rs.5,00,000/- but did not admit receiving the remaining Rs.5,00,000/-. The opposite party no.2-accused person filed a petition dated 10.12.2024 praying for direction to the complainant to file the statement of account of his bank account bearing account number with last four digits as mentioned in the said order and the same was allowed.
4. Relying upon the Judgment of the Hon'ble the Supreme Court of India in the case of **Tedhi Singh vs. Narayan Dass Mahant**, reported in **(2022) 6 SCC 735**, it is submitted by the learned counsel for the petitioner that in para-10 of the said Judgment, it has been observed by the Hon'ble the Supreme Court of India that the accused has the right to demonstrate his defence that the complainant in a particular case did not have the capacity for paying the money for which cheque was issued by the accused; by producing independent materials namely by examining his witnesses and documents. It is next submitted that moreover, when a document is required to be called for, the specific document is to be called for and not the entire voluminous file of which the document forms a part. It is next submitted that the dispute is regarding single entry in the statement of account but

instead of that the learned Magistrate has directed the complainant to produce his entire statement of account which is certainly a confidential document of the petitioner and which is not in public domain. It is then submitted that production of the entire statement of account may open a Pandora's Box for making all sorts of allegations against the petitioner; which is not subject matter of the trial in the concerned case. Hence, it is submitted that the prayer as prayed for by the petitioner in this criminal miscellaneous petition be allowed.

5. The learned Additional Public Prosecutor and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer as prayed for by the petitioner in this criminal miscellaneous petition and submits that there is no illegality in the order of the learned Magistrate allowing the petition as that on production of the same, the grain can only be sifted from the chaff. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

6. Having heard the submissions made at the Bar and after going through the materials available in the record, it is pertinent to mention here that the opposite party no.2 who is the accused person of the case intends to establish his defence that he paid Rs.5,00,000/-, the receipt of which is not acknowledged and admitted by the petitioner who is the complainant of the said case. It is a settled principle of law that when a document is required to be called for in any case, the specific document is to be called for

and not the entire file. Now the dispute is regarding a transfer of money through R.T.G.S., the number of which has been furnished by the accused person of the case, who is the opposite party no.2 herein. The veracity of the same can be verified by calling for the relevant document from the concerned bank regarding that particular transaction but certainly the learned Judicial Magistrate -1st Class -XXX, Ranchi committed a grave error by directing the complainant to file the entire statement of account of his bank account and to bring it in public domain unnecessarily and without any sanction of law.

7. Accordingly, the said order dated 10.12.2024, passed by the learned Judicial Magistrate -1st Class -XXX, Ranchi in Complaint Case No. 3759 of 2019, being not sustainable in law is quashed and set aside.
8. The opposite party no.2-accused may file a fresh application for calling for the relevant document from the bank concerned relating to the particular transaction of the R.T.G.S.
9. This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 8th July, 2025
AFR/Sonu-Gunjan/-