

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1033 OF 2008

CHEDDI LAL SHARMA & ORS. APPELLANT(S)

VERSUS

STATE OF BIHAR & ORS. RESPONDENT(S)

O R D E R

The appellants have preferred this appeal against the impugned order dated 19.10.2006, passed by the High Court of Judicature at Patna in CrI.W.J.C. No.348 of 2004 whereby the High Court rejected the prayer of the appellants to quash the FIR dated 06.08.2004 being No.112/04, PS Mojahidpur (Basarganj), lodged against them for offences punishable under sections 406, 409, and 34 of the Indian Penal Code (for short, the 'IPC').

We have heard learned counsel appearing for the parties and perused the record.

It is not disputed by the respondents-State that the appellants immediately deposited a sum of Rs.5,48,433/- (Rupees five lakh forty eight thousand four hundred and thirty three only) with the

Provident Fund Authorities on 09.08.2004 i.e. within four days of the receipt of notice.

In the facts and circumstances of the case, it is clear that an offence of criminal breach of trust is made out against the appellants.

However, having regard to the fact that the aforesaid FIR was filed about 13 years ago and the fact that the appellants deposited the aforesaid amount received by them from their employees, immediately within four days of the receipt of notice from the concerned Provident Fund Authorities, we consider it appropriate, in the interests of justice, to direct the appellants to further pay a sum of Rs.5,00,000/- (Rupees five lakh only) as fine to be paid to the Provident Fund Authorities within a period of six weeks from today. We order accordingly.

Hence, we allow this appeal and set aside the aforesaid impugned order passed by the High Court.

We also direct that FIR dated 06.08.2004 being No.112/04, shall be quashed, subject to appellants' depositing the aforesaid amount of Rs.5,00,000/- (Rupees five lakh only) with the Provident Fund Authorities within the stipulated time as mentioned above.

It is made clear that in case the appellants fail to deposit the said amount with the Provident Fund Authorities within the stipulated time, the prosecution shall continue against them.

.....J
[S. A. BOBDE]

.....J
[L. NAGESWARA RAO]

NEW DELHI;
APRIL 06, 2017.

ITEM NO.104

COURT NO.8

SECTION IIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s).1033/2008

CHEDDI LAL SHARMA & ORS.

Appellant(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

(With appln. (s) for stay and office report)

Date : 06/04/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Appellant(s) Mr. Sudhir Kumar Gupta, Adv.
Mr. Abhinav Gupta, Adv.
Mr. R.K. Gupta, Adv.For Respondent(s) Mr. Balraj Dewan, Adv.

Mr. Gopal Singh, Adv.
Mr. Shivam Singh, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.

(Sanjay Kumar-II)
Court Master(Indu Pokhriyal)
Court Master

(Signed Order is placed on the file)