

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO(S).209 OF 2013

SUSHIL KUMAR BHANSALI
& ANR. . . . APPELLANT(S)

VERSUS

THE STATE OF BIHAR & ANR. . . . RESPONDENT(S)

WITH
CRIMINAL APPEAL NO.210 OF 2013
CRIMINAL APPEAL NO.2354 OF 2014
CRIMINAL APPEAL NO.2355 OF 2014

ORDER

CRL.A. NO.209 OF 2013, CRL. A. NO.2354 OF
2014 AND CRL. A.NO.2355 OF 2014

1. We have heard the learned counsels
for the parties.

2. Offence under Section 409 IPC has
been alleged against the accused appellants
on the basis of certain payments made to
them for supply of gas cylinders which
allegedly had not been supplied. Even

assuming the allegations made in the complaints to be correct, no offence under Section 409 IPC is made out against the accused appellant(s). The dispute between the parties clearly is civil in nature.

3. In view of the above, the orders of the High Court refusing to quash the criminal proceedings are set aside and the proceedings in question i.e. (i) Complaint Case No.787 of 2001, pending before the learned Judicial Magistrate, 1st Class, Muzaffarpur; and (2) FIR being Muzaffarpur Twon P.S. Case No.325 of 2005 shall stand quashed.

4. The appeals are allowed in terms of the above.

CRL.A. NO.210 OF 2013

1. Heard the learned counsels for the parties.

2. By order of this Court dated 16th August, 2012 pre-arrest bail has been granted to the accused appellant. By order passed today i.e. 9th May, 2018 in Criminal Appeal Nos.209 of 2013, 2354 of 2014 and 2355 of 2014 the proceedings in question against the accused appellants have been quashed. Consequently, the present appeal has become infructuous and is disposed of as such.

....., J.
(RANJAN GOGOI)

....., J.
(ABHAY MANOHAR SAPRE)

....., J.
(R. BANUMATHI)

NEW DELHI
MAY 09, 2018

ITEM NO.108

COURT NO.3

SECTION II-A

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

C R I M I N A L A P P E A L N O (S) . 2 0 9 / 2 0 1 3

SUSHIL KUMAR BHANSALI & ANR.

APPELLANT(S)

VERSUS

THE STATE OF BIHAR & ANR.

RESPONDENT(S)

WITH

CRL.A. NO. 210/2013 (II-A)

CRL.A. NO. 2354/2014 (II-A)

CRL.A. NO. 2355/2014 (II-A)

Date : 09-05-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s)

Mr. Mithilesh Kumar Singh, AOR

Mr. Pijush K. Roy, Adv.

Mrs. Kakali Roy, Adv.

Mr. Rajan K. Chourasia, AOR

For Respondent(s)

Mr. Tripurari Ray, Adv.

Mr. Balwant Singh Billowria, Adv.

Mr. Parveen Kumar, Adv.

Mr. Suresh Kumar Sharma, Adv.

Mr. Vishnu Sharma, AOR

Mr. Gopal Singh, AOR

Mr. Aditya Raina, Adv.

Ms. Abha R. Sharma, AOR

Mr. D.S. Parmar, Adv.

Mr. Ankit Mishra, Adv.

Mr. P.V. Singh, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

**The appeals are disposed of in terms of the
signed order.**

[VINOD LAKHINA]

AR-cum-PS

[ASHA SONI]

BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]