

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal No 211 of 2020
(Arising out of SLP(CrI) No 9788 of 2019)

Dhananjay Kumar Mishra @ Dhananjay Mishra

.... Appellant(s)

Versus

State of Bihar

....Respondent(s)

ORDER

1 Leave granted.

2 The appellant has been implicated in FIR No 143/18 dated 10 December 1998 lodged at Police Station Gaunaha, West Champaran, Bihar of an offence under Section 379 of the Indian Penal Code 1860¹.

3 The appellant was an employee of L&T Finance Services where he was working as an Assistant Manager and the allegation arises out of an alleged theft of an amount of Rs 17.94 lakhs from the locker of the employer. The submission of the appellant is that the entire amount was recovered from two of the co-accused.

4 On 5 November 2019, this Court, while issuing notice, had granted an interim stay of arrest.

5 In pursuance of the notice issued by this Court, learned counsel appearing on behalf of the State of Bihar has entered appearance.

6 Having regard to the facts and circumstances of the case, we are of the view that the appellant should be granted the benefit of the provisions of Section 438 of the Code of Criminal Procedure 1973. We accordingly confirm the order dated 5 November 2019.

7 The appeal is accordingly disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[K M Joseph]

**New Delhi;
January 31, 2020**

ITEM NO.63

COURT NO.7

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

Petition(s) for Special Leave to Appeal (Crl.) No(s).9788/2019

(Arising out of impugned final judgment and order dated 08-08-2019 in CRLM No. 32195/2019 passed by the High Court of Judicature at Patna)

DHANANJAY KUMAR MISHRA @ DHANANJAY MISHRA Petitioner(s)

VERSUS

STATE OF BIHAR Respondent(s)
(WITH I.R.)

Date : 31-01-2020 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. D.P. Chaturvedi, Adv.
Ms. Anuradha Mutatkar, AOR

For Respondent(s) Mr. Keshav Mohan, Adv.
Mr. Rishi K. Awasthi, Adv.
Mr. Prashant Kumar, Adv.
Mr. Piyus Vatsa, Adv.
Mr. Piyus Choudhary, Adv.
Mr. Santosh Kumar - I, AOR

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

Leave granted.

Having regard to the facts and circumstances of the case, we are of the view that the appellant should be granted the benefit of the provisions of Section 438 of the Code of Criminal Procedure 1973. We accordingly confirm the order dated 5 November 2019.

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

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)