IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.877 of 2013
(CNR No.ODHC010299402013)

In the matter of a revision under Section 401 read with Section 397 of the Code of Criminal Procedure, 1973.

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Ms. Chanda Kochhar ... ***Petitioner***

-versus-

1. Sri Dinabandhu Dash ... ***Opp. Parties***
2. Uma

3. Mrs. Kirti Khadenga ***Proforma***
4. Mr. Vivekananda Dubey ***Opp. Parties***
5. Mr. Rachelle Creado
6. Mr. Jayanta Chaterjee

Advocate(s) Appeared in this case

For Petitioner - Mr. Asok Kumar Mohanty, Sr. Advocate
Mr. Nalinikanta Dash, Advocate

For Opp. Parties -

CORAM :

MR. JUSTICE V. NARASINGH

Date of Hearing:02.11.2026 : Date of Judgment :17.11.2026

V. Narasingh, J. This Criminal Revision is filed assailing the order taking cognizance dated 09.01.2013 passed by the learned S.D.J.M., Bhubaneswar in ICC Case No.479 of 2011 under Sections 4191/4202/5063/120-B4 of the Indian Penal Code, 1860 (in short, 'the IPC').

2. The substratum of the case of the complainant is that he had opened an account in ICICI Bank Limited, Bhubaneswar Branch and some deductions were effected from his account for not maintaining the quarterly average balance. It is the case of the complainant that he had actually opted for opening of the account at Balasore Branch, but fraudulently the same was opened at Bhubaneswar and as such, the deductions were on account of illegal exercise by the Bank officials. To fortify such allegations, the complainant examined himself and witnesses were also examined and on the basis of which, the impugned order of cognizance was passed.

3. In spite of due service of notice, there is no appearance on behalf of the Complainant-Opposite Party.

4. Mr. Asok Mohanty, learned Senior Advocate for the Petitioner, being assisted by Mr. Nalinikanta Dash, learned counsel, submitted that the order of cognizance is an abuse of the process of law and unless interfered with, the same will result in miscarriage of justice. And, it is stated that none of the ingredients of Sections 419[1]/420[2]/506[3]/120-B[4] of the IPC is attracted in the case

[1] **419. Punishment for cheating by personation.—** Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

[2] **420. Cheating and dishonestly inducing delivery of property.—** Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of

at hand. It was his further submission that ICICI Bank is a Company and the present Petitioner, in her capacity as Managing Director, cannot be held criminally liable if the Company is not a party to the proceedings

Since admittedly, the Company has not been arrayed as accused, vicarious liability cannot be extended to the Petitioner as the Managing Director in the absence of any allegations.

To fortify his submission, the Petitioner has relied on the following case laws:

"*i.* ***Maksud Saiyed v. State of Gujarat***[5]

ii. ***R. Kalyani v. Janak C. Mehta***[6]

iii. ***Maharashtra State Electricity Distribution Co. Ltd v. Datar Switchgear Ltd***[7]

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being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

[3] **506. Punishment for criminal intimidation.—** Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; **if threat be to cause death or grievous hurt, etc**.— And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute, unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

[4] **120-B. Punishment of criminal conspiracy.—** (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.
(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

[5] *Maksud Saiyed v. State of Gujarat,* (2008) 5 SCC 668.

[6] *R. Kalyani v. Janak C. Mehta,* (2009) 1 SCC 516.

iv. ***Sharad Kumar Sanghi v. Sangita Rane***[8]

v. ***Sunil Bharti Mittal v. Central Bureau of Investigation***[9]

vi. ***Shiv Kumar Jatia v. State of NCT of Delhi***[10]

vii. ***Parag Kishore Satoskar v. State of Jharkhand***[11]*"*

5. It was his further submission that even if the entire allegations are accepted at their face value, the transaction in question is a commercial transaction and as such, cannot be given the colour of criminality. More so, when even on the face of it, there is no proof of dishonest intention from the inception, which is *sine qua non* for the offence under Sections 419[1]/420[2] of the IPC. It was his further submission that the ingredients of the offence under Sections 409[12]/467[13]/468[14] of the IPC are

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[7] *Maharashtra State Electricity Distribution Co. Ltd v. Datar Switchgear Ltd,* (2010) 10 SCC 479.

[8] *Sharad Kumar Sanghi v. Sangita Rane,* (2015) 12 SCC 781.

[9] *Sunil Bharti Mittal v. Central Bureau of Investigation,* (2015) 4 SCC 609.

[10] *Shiv Kumar Jatia v. State of NCT of Delhi,* (2019) 17 SCC 193.

[11] *Parag Kishore Satoskar v. State of Jharkhand,* 2026 SCC OnLine SC 1546.

[12] **409. Criminal breach of trust by public servant, or by banker, merchant or agent**.—Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

[13] **467. Forgery of valuable security, will, etc**.—Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with imprisonment for life, or with

conspicuous by their absence and the allegations of Section 506[3] of the IPC is also baseless.

6. This Court closely read the complaint as well as statement of the complainant and that of the witnesses examined on behalf of the complainant and also perused the other materials on record.

7. On a conspectus of material on record, this Court is persuaded to hold that even if the entire complaint petition coupled with the statements are accepted at its face value, no offence under the alleged Sections is made out. Hence, this Court finds force in the submission of learned Senior Advocate for the Petitioner that allowing the proceeding to continue would be an abuse of process of law.

It is also apt to note that the submissions made by learned Senior Advocate on the basis of the materials on record have gone controverted.

8. Hence, in the considered view of this Court, there being no prima facie case made out on the basis of the complaint petition and the materials relied upon by the learned Magistrate, the consequential order of

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imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

[14] **468. Forgery for purpose of cheating**.— Whoever commits forgery, intending that the document or electronic record forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

cognizance being the outcome of non-application of mind, is liable to be set aside.

Accordingly, the order of cognizance dated 09.01.2013 passed by the learned S.D.J.M., Bhubaneswar in ICC Case No.479 of 2011 under Sections 4191/4202/5063/120-B4 of the IPC is hereby quashed.

9. The Criminal Revision is allowed.

(V. Narasingh)
Judge

Orissa High Court, Cuttack
Dated the 17th November, 2026/Basu