

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 29655 of 2008

Arising out of P.S.Case No. -201 Year- 2006 Thana –
Complaint Case District- KATIHAR

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Rakesh Kumar Verma, Son of Niranjan Prasad, Resident of Mohalla-
Vidyanagar, Teja Tola, Katihar, P.S.-Katihar, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Mala Devi, Wife of Rajendra Harijan, Resident of Mohalla-
Larkania Tola, Katihar, P.S.-Katihar, District-Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kr. Singh, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-05-2015

No one appears on behalf of the Opposite Party

No. 2 on second consecutive date.

The Petitioner seeks quashing of the order of
cognizance dated 28.04.2008 passed by the Judicial
Magistrate, 1st Class, Katihar in Complaint Case No. CA
201 of 2006.

The case of the Complainant is that on
12.08.2004 one Abhay Kumar Jha came to her house
with a proposal of sale of a certain plot of land. She and
her husband both settled the transaction and paid a
certain amount of money. However, after the land was
registered co-accused Abhay Kumar Jha said that he
would give the sale-deed only after money was deposited

in the Bank and left the Office of the Registrar. However, he did not do so nor did he refund the advance money.

The submission of the Petitioner is that even accepting the entire allegations no offence is made out against him since he was merely a witness to the sale deed.

Having considered the aforesaid circumstance, the proceeding including the order of cognizance dated 28.04.2008 passed by the Judicial Magistrate, 1st Class, Katihar in Complaint Case No. CA 201 of 2006 is, hereby, set aside so far as the Petitioner is concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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