

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30918 of 2008

Arising Out of PS.Case No. -0 Year- null Thana -null District- GAYA

- =====
1. Tara Shankar Mishra son of Sri Asha Ram Mishra resident of Sambalpur P.S. Dhanupali District Sambalpur Orissa.
 2. Anand Kumar Mishra son of Sri Tara Shanakar Mishra resident of Sambalpur P.S. Dhanupali Distt. Sambalpur Orissa.

.... Petitioner/s

Versus

1. State of Bihar.
2. Anand Prakash S/o Lallan Prasad.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-05-2015

The petitioners seek quashing of order of non-discharge dated 27.02.2008 passed by the Judicial Magistrate 1st Class, Gaya in Complaint Case No. 1251 of 2006, T.R. No. 920 of 2008.

The case of the complainant who was proprietor of Satyakam Enterprises, Gaya is that he had business dealing with M/s Bijay Seeds Industries, Sambalpur of which the proprietor is Raj Kumari Mishra. The accused Nos. 2 and 3 are husband and son of Raj Kumari Mishra. In course of business the complainant suffered a loss of Rs. 3, 57,000/- since the goods remained unsold. When the complainant sought return of blank cheques which had been kept with the accused persons as security they presented the same before the Bank and on dishonour instituted a case under Section 138 of the N.I.

Act.

It has been submitted on behalf of the petitioners that evidently the present complaint has been filed in order to save skin of the complainant from prosecution launched by the proprietor of M/s Bijay Seeds Industries.

On the last occasion notices had been issued to the O.P. No. 2 to explain the aforesaid but despite service of notice none appears on his behalf.

Having considered the background facts, I would be inclined to agree with the submissions raised on behalf of the petitioners. Hence the application is allowed and the order of none discharge dated 27.02.2008 passed by the Judicial Magistrate 1st Class, Gaya in Complaint Case No. 1251 of 2006, T.R. No. 920 of 2008, is hereby quashed.

(Anjana Prakash, J)

Prakash/-

U		T	
---	--	---	--