

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35582 of 2008

Arising Out of Complaint Case No. 963(C) of 1998 District- PATNA

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1. The Unit Trust of India, Patna Branch
 2. Vinod Mahajan, son of Sri Y.P. Gupta, Chief Manager, UTI Mutual Fund, UTI Financial Centre, LIC Building, Fraser Road, P.S. Kotwali, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
 2. Desh Bandhu Dutta, so of late J.L. Dutta
 3. Manju Dutta, daughter of late J.L. Dutta
- Both residents of Mohalla Abulas Lane, P.S. Pirbahore, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gaurang Chatterjee, Adv.
Mr. Dharendra Kumar, Adv.
For the State : Mr. Ajay Kr. Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-06-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 22.2.1999 passed by the Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 963(C) of 1998.

The case of the Complainant is that they had purchased ten units of a certain scheme from the UTI. However, on maturity when the Cheques were dispatched in their name, it did not reach them and on enquiry, they were told that they had been stolen.

It has been submitted on behalf of the Petitioners that the stand till date is that the Cheques were stolen and in fact, since the Complainants had been put to undue loss, they were duly

compensated as is evident from Annexure-3.

On such submission, notices had been issued to the Opposite Parties No. 2 and 3 but, they could not be reached.

Having considered the unimpeachable evidence indicating that the Complainants have now been made good the loss and that the Petitioner had no personal interest in the matter, the application is allowed and the Proceeding including the order of cognizance dated 22.2.1999 passed by the Judicial Magistrate, 1st Class, Patna, in connection with Complaint Case No. 963(C) of 1998 is, hereby, set aside.

S.Ali/-

(Anjana Prakash, J)

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