

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18778 of 2015

Arising Out of PS.Case No. -2596 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

1. Mukesh Kumar Singh. S/o Late Praduman Narayan Singh. Resident of Mohalla -
Sanhauli, P.S.- Chitragupta Nagar, District - Khagaria. Presently Proprietor of M/S
Sai Auto Service, Hospital Road, Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rakesh Kumar. S/o Late Chandra Prakash Singh, Proprietor of M/S Chandra
Prakash Auto Mobiles, NH-31, Deona, P.O.- Tilrath, P.S.- Barauni, District -
Begusarai.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dr. Mayanand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 05-05-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

This application under section 482 of the Code of
Criminal Procedure has been filed for quashing the order dated
14.02.2014 passed in Complaint Case No.2596C of 2012 by the
learned Judicial Magistrate 1st Class, Begusarai, whereby, finding a
prima facie case to be made out for the offence punishable under
section 138 of the Negotiable Instruments Act, 1881, the petitioner
has been summoned to face trial.

Learned counsel for the petitioner has submitted that

the petitioner was under no obligation to make any payment to the complainant of the case. The alleged overwriting over the cheque in question was made by the complainant himself and not by the petitioner. The cheque in question has been misused by the complainant and presented before the Bank after making certain interpolation over it.

Be that as it may, these are disputed questions of fact, which cannot be determined by this Court in exercise of power conferred under section 482 of the Code of the Criminal Procedure.

In that view of the matter, I am not inclined to entertain this application. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

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