

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20427 of 2012

Arising Out of Complaint Case No. -1873/C Year- 2005 District- BANKA

Indusind Bank Ltd (formerly known as Ashok Leyland Finance Company Ltd.)
through Branch Manager, Ramachandran Anand, Bhagalpur Road, P.O.-Dumka,
District Dumka.

.... Petitioner

Versus

1. The State of Bihar
2. Ranjan Kumar Choudhary, son of Shayam Sunder Choudhary, resident of Zabra
P.O. Pilua Jhrna, P.S. Baunsi, District- Banka

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-04-2015

None appears on behalf of the petitioner on two
consecutive dates.

The petitioner seeks quashing of the entire proceeding
including the order of cognizance dated 24.06.2011 passed by the
Chief Judicial Magistrate, Banka in Complaint Case No. 1873/C of
2005.

The case of the complainant is that he had purchased an
auto rickshaw on loan but thereafter the auto rickshaw was seized on
the plea that he had defaulted in payment of loan.

It has been submitted on behalf of the petitioner that fact
of the matter is that the present complaint has been filed to pre-empt

the legal action against the complaint for default in loan repayment and the complaint is malicious.

On the last occasion notice was issued to the opposite party no. 2 but none appears on his behalf.

Considering the aforesaid facts, the entire proceeding including the order of cognizance dated 24.06.2011 passed by the Chief Judicial Magistrate, Banka in Complaint Case No. 1873/C of 2005 is, hereby, set aside.

The application stands allowed.

(Anjana Prakash, J.)

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