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IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18504 of 2012

Arising Out of PS.Case No. -280 Year- 2009 Thana Gandhi Maidan District- PATNA

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Amit Suraj, S/O Sri Arun Kumar Sinha, R/O Quarters No A/9 Adalatganj, P.S. Kotwali, District – Patna, at present working as Branch Head, ING Vysya Bank, Exihibition Road Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Sanjay Kumar Mishra, son of late Krishna Murari Mishra, resident of C/21, Hailer Hospital Campus, Kanpur Nagar, Uttar Pradesh.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjiv Kr. Mishra, Adv.
For the State : Mr. Ashok Kumar-I, Adv.
For the Opposite Party No. 2 :

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 01-05-2015

Heard learned counsel for the Petitioner and the State.

No one appears on behalf of Opposite Party No. 2.

The Petitioner who was the then Branch Manager of ING Vysya Bank, Exhibition Road, Patna, seeks quashing of the order of cognizance dated 30.7.2011 by which the Chief Judicial Magistrate, Patna, has taken cognizance of Gandhi Maidan P.S. Case No. 280 of 2009.

The case of the Informant is that he had started business dealing with the co-accused persons in pursuance of which they had issued cheques amounting to Rs.15,00,000/-. However, the Petitioner was taken into confidence by them and got the cheques returned and

unpaid on frivolous grounds so as to deprive the Informant of his dues.

It has been submitted on behalf of the Petitioner that if at all he has harmed anyone, it was co-accused persons and not the Informant since they would be liable for dishonour of cheques for whatever reason. Moreover, he had no interest in the matter.

The case diary was called for and on perusal of the same, the State is unable to point out any more material than what has been stated in the First Information Report.

Having considered the aforesaid, the application is allowed and the order of cognizance dated 30.7.2011 passed by the Chief Judicial Magistrate, Patna, in connection with Gandhi Maidan P.S. Case No. 280 of 2009, so far as the Petitioner is concerned, is hereby set aside.

(Anjana Prakash, J)

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