

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31125 of 2009

Arising Out of PS.Case No. 614 Year- 2005 Thana -null District- BHABHUA (KAIMUR)

Ramesh Kumar S/o Shri Radha Raman Das, the then posted as Branch Manager, State Bank of India, Agricultural Development Bank Branch Bhabhua, P.S. Bhabhua in the district of Kaimor at present posted as Desk Officer, Centralized Pension Proceeding Center, State Bank of India, Abhisek Plaza, Ext. road, Patna

.... Petitioner/s

Versus

1. The State of Bihar

2. Ram Naresh Sah S/o late Jogi Sah, resident of village Kharaura, P.S. Chainpur, District Kaimoor

.... Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. R.S.Rai, APP

For Opposite Party No.2 : Mr. Kumar Sunil, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-08-2015

No one appears on behalf of the Petitioner.

The Petitioner seeks quashing of the order of cognizance dated 25.10.2008 passed by the Chief Judicial Magistrate, Bhabhua in Complaint case No.614 of 2005.

The case of the Complainant is that he had taken loan from S.B.I., ADB, Bhabhua for purchase of a tractor and its implements. Even though he was supplied the tractor, with regard to the rest of the implements even though his signature on blank papers was obtained but he did not receive the same.

It appears from the petition filed herein that a plea has been taken that the tractor and the entire implements had been

delivered to the borrower, after which he gave a letter of satisfaction, upon which the Banker's cheque was issued to the supplier. Since all transactions of loan are well documented, the Complainant's oral allegation that the implements had not been supplied does not stand.

On the other hand, the Counsel for the Complainant submits that since the Petitioners had not supplied him implements and the same prayer of the co-accused has been dismissed by this Court, the present application should also be dismissed.

Having considered the nature of allegations, I am unable to convince myself as to how any criminal offence is made out in the facts of the case and hence the entire proceeding against all the accused persons including the order of cognizance dated 25.10.2008 passed by the Chief Judicial Magistrate, Bhabhua in Complaint case No.614 of 2005 is hereby set aside.

Application stands allowed.

(Anjana Prakash, J)

Narendra/-

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