

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35022 of 2001

Arising Out of Complaint Case No.2010(c)Year 2000 District- PATNA

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1. Jayant Sen, Sr. Manager, Marketing, M/s. Globsyn Technology Ltd. XI-11 & 12, Block EP, Sector V, Salt Lake, Calcutta – 700 001.
 2. Taru Srivastava, daughter of Rajesh Kumar, M/s. Globsyn Technology Ltd., XI-11 & 12, Block EP, Sector V, Salt Lake, Calcutta.
 3. Mrs. Srirupa Mitra, daughter of A.KI. Mitra, M/s. Globsyn Technology Ltd. XI-11 & 12, Block EP, Sector V, Salt Lake, Calcutta – 700 001.

.... Petitioner/s

Versus

1. The State of Bihar
2. Divesh Kumar, son of Sh. S.P. Barnawal, r/o Sulkshana Apartment, Flat No. 101, Nala Road, Kadam Kuan, P.S. Kadam Kuan, Distt. Patna (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kr. Sharma, Adv.

For the State : Dr. Indivar Kumari, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-10-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 9.4.2001 passed by the Chief Judicial Magistrate, Patna, in Complaint Case No. 2010 of 2000.

The case of the Complainant is that he had purchased a Prospectus on 14.10.1999 after which he had appeared in an examination under Y.S.M. Programme on 20.10.1998 and he was selected for training. He was called to deposit Rs.80,000/- for the said training which he did, he was given placement and, hence, he filed the present Complaint.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Complainant had taken admission and after finishing the course, had been given an opportunity to join a certain firm but, since, he did not qualify in the test conducted by it, he instituted the present Complaint with mala fide intention.

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

Having considered the nature of allegations, I would be inclined to hold that the present Complaint lacks criminal intent and, therefore, the application is allowed and the Proceeding including the order of cognizance dated 9.4.2001 passed by the Chief Judicial Magistrate, Patna, in Complaint Case No. 2010 of 2000, is hereby, set aside.

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(Anjana Prakash, J)

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