

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36361 of 2012

Arising Out of Complaint Case No. -756 Year- 2010 District- SITAMARHI

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Sanjay Kumar, S/O Shri Ram Lakhan Sah, Resident Of Village-
Kanhauli, Police Station- Kanhauli, District- Sitamarhi

.... Petitioner/s

Versus

1. The State Of Bihar
2. Vinod Mishra, S/O Late Mahanth Raghunath Das, Resident Of
Janki Asthan, Sitamarhi, Police Station- Sitamarhi, District-
Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the State : Mr. C. Sen Pd., A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT

Date: 05-05-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance
dated 4.11.2011 passed by the Judicial Magistrate, 1st Class, Sitamarhi
in Complaint Case No. 756 of 2010 on the ground that the Provisions
of Section 142 of Negotiable Instrument Act has not been complied
with before taking cognizance.

In view of such, the application is allowed and the entire
Proceeding including the order dated 4.11.2011 passed by the Judicial
Magistrate, 1st Class, Sitamarhi, in connection with Complaint Case
No. 756 of 2010 is hereby set aside.

However, this order shall not deter the Complainant from
filing a fresh Complaint in accordance with law.

(Anjana Prakash, J)

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