

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42733 of 2012

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1. Manoj Kumar Singh S/O Late Harendra Singh Resident Of Ward No.7,
P.S.- Supaul, Distt.- Supaul
2. Pranay Kumar Singh S/O Late Amrendra Singh Resident Of Village-
Barel, P.S.- Supaul, Distt.- Supaul
3. Navin Gupta S/O Sri Rajendra Gupta Resident Of Ward No.10,
P.O.+P.S.+Distt.- Supaul

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Prakash Sahay

For the Opposite Part/s : Smt.Sucheta Yadav, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

6 23-07-2015

This petition is filed under Section 482 CrPC with a prayer to quash the proceedings in Complaint Case No. C-2003 of 2010 in the file of Chief Judicial Magistrate, Sadar, Motihari.

The petitioners contend that on a complaint submitted by Md. Umar Khan, Motihari Sadar PS case No. 11 of 2010 was registered alleging the offence under Sections 419 and 420 IPC read with Section 138 of the N I Act. It is also stated that the petitioners obtained bail in that case.

It is alleged that the same individual submitted a complaint before the court of Chief Judicial Magistrate, Motihari, in relation to the same amount covered by the same cheques and Case No. C-2003/2010 was registered. The petitioners filed an application before the trial court with a prayer to reject the second case which was dismissed on

28.5.2012. Hence this petition.

Heard learned counsel for the petitioners and the learned A.P.P.

A perusal of the FIR in Motihari Sadar PS Case No. 11 of 2010 on the one hand, and the contents of the complaint in Complaint Case No. C-2003 of 2010 on the other hand, disclosed that both were in relation to the amount covered by the cheque no. 406695. The trial court did not take this aspect into account and simply rejected the application. A person cannot be subjected to trial in more than one proceeding in relation to the same allegation or offence. Section 210 CrPC deals with the situation.

Hence, this application is allowed and proceedings in Complaint Case No. C-2003 of 2010 in the file of Chief Judicial Magistrate, Sadar, Motihari, is hereby quashed.

(L. Narasimha Reddy,CJ)

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