

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28089 of 2012

Arising Out of Complaint Case No. -2737 Year- 2011 District- PATNA

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Alok Kumar, son of Sri Mathura Prasad, Proprietor of Ujjawal Iron and Cement Store, Khemni chak, P.S. Ram Krishna Nagar, P.O. Jagganpura, District-Patna

.... Petitioner

Versus

1. State of Bihar
2. Suresh Kumar Yadav, son of Late Ganauri Singh, Resident of Mohalla-Karbigahiya, P.S. Jakkanpur, P.O. –G.P.O. District- Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Damodar Pd. Tiwary, Adv. Mr. Braj Bhushan Mishra Mr. Mithilesh Kumar Mr. Kaushal Kishor
For the State	:	Mr. B.P.Singh, Adv.
For the complainant	:	Mr. Ashok Nandan Prasad

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-04-2015

The petitioner seeks quashing of the order of cognizance dated 18.02.2012 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 2737(C) of 2011, on technical grounds, that cognizance has been taken under Section 138 of the N.I. Act beyond the statutory period of notice.

On such technicality, the application stands allowed and the proceeding including the order of cognizance dated 18.02.2012 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 2737(C) of 2011 is, hereby, set aside.

It will be open to the complainant to file a fresh

complaint which the court below shall consider in accordance with law.

(Anjana Prakash, J.)

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