

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.756 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

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Rajeev Kumar Jha Son of Subodh Jha resident of village-Salempur, P.S.-Falka,
District-Katihar

.... Petitioner

Versus

1. The State of Bihar
2. Vijay Kumar Singh son of Tarachand Singh resident of village-Mile, P.S.-
Bidupur, District-Vaishali

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP
For the O. P. No. 2 : Mr. Dilip Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-12-2015

By way of the present application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C”), the petitioner seeks quashing of the order dated 15.03.2011 passed by the learned Judicial Magistrate, first class, Hajipur in Complaint Case No. 1625 of 2010, whereby and whereunder the learned Magistrate has summoned the petitioner in a case in which cognizance has been taken under Section 138 of the Negotiable Instruments Act, 1881 and Section 420 of the Indian Penal Code. The cognizance of the offence has been taken on the basis of the statement of the complainant made on oath under Section 200 Cr.P.C. and the statements of the witnesses recorded under Section 202 Cr.P.C.

2. The petitioner has not annexed the statement of the complainant or the statements of the witnesses recorded under Section 202 Cr.P.C. to this petition. In absence of those documents, the application could not be considered on merits.

3. In that view of the matter, the application is dismissed for want of proper documents on record.

4. It would be open for the petitioner to file another application in the same subject matter with all those documents.

(Ashwani Kumar Singh, J.)

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