

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41947 of 2011

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1. Kamla Kant Jha S/O Late Adhik Lal Jha Resident Of Village- Pourana,
P.O. & P.S.- Hayaghat, Distt.- Darbhanga, At Present Branch Manager
Central Bank Of India, Madhurapur Tara, P.S.- Kalyanpur, District-
Samastipur

... Petitioner/s

Versus

1. The State Of Bihar
2. Jai Narayan Singh S/O Mundrika Prasad Singh Resident Of Village-
Milki, P.S.- Kalyanpur, District- Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Nath Jha

For the Opposite Party/s : Mr. /Smt.Gulnar Begum (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

8 03-02-2015 The petitioner seeks quashing of the order of
cognizance dated 19.04.2011 passed by the Chief Judicial
Magistrate, Samastipur in Complaint Case No. 153 of 2010.

The case of the complainant is that he had an account
in the Central Bank of India where he deposited Rs. 25,000/-.
Immediately thereafter he wanted to withdraw the money but he
was informed that only 21,000/- was available in his Bank
account. He then made an allegation that the petitioner as a Branch
Manager had forged his signature and withdrawn the amount.

The submission of the petitioner is that the complaint
is unduly delayed for which there is no justification. Also it was
not the petitioner who was In-charge of the day to day functioning

of maintaining the accounts and rest of the allegation with regard to the assault is confined only to harass the Bank officials. On the other hand, counsel for the complainant submitted that the Bank had committed wrong for which he had filed complaint.

In my understanding, in a Court of law to prove allegation of forgery, there would be a requirement of testing the signature which has evidently not been done. Hence the allegation of forgery would remain unsubstantiated. It also appears that the complainant has filed a claim before Consumer Forum. The rest of the allegation appears to be highly improbable and therefore, the application is allowed without prejudice to the claim of the complainant in the Consumer Forum. The order dated 19.04.2011 passed by the Chief Judicial Magistrate, Samastipur in Complaint Case No. 153 of 2010 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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