

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42234 of 2012

Arising Out of PS.Case No. -603 Year- 2012 Thana -null District- PATNA

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1. Prabhat Kumar S/O Sri Shambhu Prasad Chourasia Resident Of Village Kanhauli, P.S. Mahua, District Vaishali.
 2. Pawan Kumar S/O Sri Om Narayan Singh Resident Of Village Karanpura, P.S. Gopalpur Sampachak, District Patna.
 3. Aftab Ali S/O Md. Kalim Khan Resident Of Flat No. 501, Manjur Hassan Complex, Main Road, Kankarbagh, P.S. Kankarbagh, District Patna.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Rakesh Sinha S/O Sri R.K. Sinha Chief Managing Director, Artoon Media, Hall No. 31-32, 3rd Floor, Ashiyana Galaxy, Exhibition Road, P.S. Gandhi Maidan, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Opposite Party/s : Mr. R.B. Roy Raman, APP
For Opposite Party No.2 : Mr. Bimal Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-07-2015

The Petitioners seek quashing of the order of cognizance dated 7.6.2012 passed by the court of Sri Krishna Gopal, Judicial Magistrate, 1st class, Patna in Complaint case No.603C of 2012.

The case of the Complainant is that the accused persons had taken admission in animation course in their Institute. In course of it they were sent to Pune where they all failed, on account of which they did not get jobs. On the date of occurrence they are alleged to have come to his office and threatened them of dire consequences on pistol point.

It has been submitted on behalf of the Petitioners that

even though the occurrence is said to have taken place in the year 2010 the present Complaint was instituted in the year 2012. The reason being that the Petitioners had instituted a case against the Complainant company, which duped them of large amount of money on the promise of training them in animation and secure jobs which they did not do. It is in retaliation that the present Complaint was filed belatedly with trumped up charges.

On the other hand, the Counsel for the Complainant submits that even conceding the case against the company earlier by the accused persons since there is an allegation of threatening by the Petitioners on point of pistol, they should be put on trial.

Having considered the background facts, I would be inclined to hold that the present Complaint is unreliable and a counter blast to create a defence and hence deserves to be set aside.

Thus, the application is allowed and the proceeding including the order of cognizance dated 7.6.2012 passed by the court of Sri Krishna Gopal, Judicial Magistrate, 1st class, Patna in Complaint case No.603C of 2012 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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