

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50626 of 2012

Arising Out of Complaint Case No. 361-C Year- 2012 District- - Bhojpur at Arrah

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Mohan Himmatsingka S/O Late Ram Jivan Himmatsingka Director, Maurya Motors Ltd., Plot No. C-1, Industrial Area, Patliputra, Police Station- Patliputra, Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Baghela Singh, S/O Late Rajdeo Singh, resident of village and P.O Chhotaka Sasaram, Police Station- Udwant Nagar, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Pd. Singh, Adv.

For the State : Mr. Anish Chandra, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 1.10.2012 by which the Additional Sessions Judge, Ara (Bhojpur), in Criminal Revision No. 100 of 2012 has set aside the order dated 8.5.2012 by which the Judicial Magistrate, 1st Class, Ara, had dismissed Complaint Case No. 361 of 2012.

The case of the Complainant is that he had purchased a City Ride Bus by an agreement of a certain kind as per which he was supposed to pay installment for four years. However, even though, he was paying the installment, some unknown persons came, abused and forcibly took away the vehicle. Hence, the Complaint was filed

against the Petitioner who happens to be the Director of Tata Motors, the Company which had granted him loan.

It has been submitted that in the facts of the case, no offence whatsoever is made out and hence the Magistrate was right in dismissing the Complaint.

On the other hand, the counsel for the Complainant submits that since ingredients of a criminal offence is made out, the Petitioner should be put on Trial.

Having considered the nature of dispute between the Parties and that no Criminal offence would be made out in the facts noted above, the application is allowed and the Proceeding including the order dated 1.10.2012 passed by the Additional Sessions Judge, Ara (Bhojpur), in Criminal Revision No. 100 of 2012 as also the order dated 8.5.2012 passed by the Judicial Magistrate, 1st Class, Ara, in Complaint Case No. 361 of 2012, is hereby set aside.

(Anjana Prakash, J)

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