

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51041 of 2012

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

=====

Md. Tajammul Hussain S/o late Md. Musa

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nilesh Kumar S/o Narendra Prasad Ambashtha

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-10-2015

The petitioner seeks quashing of the order of cognizance dated 15.02.2011 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 2361C of 2009.

The case of the complainant is that he had supplied some books to the school which was received by the accused persons but despite the same they kept withheld payment of Rs. 2 lacs and hence the present complaint.

It has been submitted on behalf of the petitioner that he was the Headmaster of the Government and he did not receive the books in his personal capacity and hence the prosecution against him is absurd.

On the other hand complainant submits that since the petitioner was the Principal he was responsible for making payments

and he should be put on trial.

Considering that there is no personal liability of the accused persons in the transaction, the application is allowed without prejudice to the rights of the parties and entire proceedings including the order of cognizance dated 15.02.2011 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 2361C of 2009 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

U		T	
---	--	---	--