

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9208 of 2010

Arising Out of Complaint Case No.684 of 2006/668 of 2008 District- GAYA

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Rai Krishna Kumar Sinha, son of late Rai Hari Prasad, resident of Mohalla Lal Bahadur Shastri Path, P.S. Kotwali, Distt. Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Kumar Singh, son of late Kapileshwar Singh, resident of Mohalla Sirhiya, Ghat Chowk, P.S. Kotwali, Distt. Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukul Prasad, Adv.

For the State : Mr. Shyam Kr. Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-09-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 17.12.2008 passed by the Judicial Magistrate, 1st Class, Gaya, in Complaint Case No. 684 of 2006/668 of 2008.

On the last occasion, a submission had been made by the Petitioner that he had already refunded the money to the Complaint and, hence, he be noticed as to whether he wished to proceed with the prosecution of Complaint Case No. 684 of 2006/448 of 2008 in which cognizance was taken on 17.12.2008 by the Judicial Magistrate, 1st Class, Gaya. However, none appears to contest the said submission.

In view of such, the application is allowed and the

Proceeding including the order of cognizance dated 17.12.2008 passed by the Judicial Magistrate, 1st Class, Gaya, in Complaint Case No. 684 of 2006/668 of 2008, is hereby set aside.

(Anjana Prakash, J)

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