

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16492 of 2010

Arising Out of PS.Case No. 140 Year- 1994 Thana -null District- MUZAFFARPUR

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1. Uttam Chand Prasad Gupta @ Uttam Chand S/O Now Late Khobhari Sah R/O
Vill. Ghahajan Gonu, P.S. Kurhani, Distt. Muzaffarpur

.... Petitioner/s

Versus

1. State Of Bihar
2. Raharman Mian S/o late Karim Bux Mian, vill. Yatia, P.S. Kurni, Dist.
Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey I, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-11-2015

The Petitioner seeks quashing of the order of cognizance dated 15.2.2010 passed by the Judicial Magistrate, 1st class, Muzaffarpur in G.R. case No.140 of 1994 (Trial No.1596 of 2010).

The case of the Prosecution is that the Informant, who is now dead, had filed a Complaint case saying that the Petitioner in conspiracy with others had cheated him of Rs.5000/- in the name of getting him loan from the Bank.

It has been submitted on behalf of the Petitioner that the allegations are completely oral in nature and in fact during investigation it transpired that the loan of Rs.5000/- was not sanctioned of Rs.5000/- but it was sanctioned only for Rs.3000/-, out

of which fertilizer of Rs.908/- had been taken by the Informant on advice of the Bank, for which a payment of Rs.1750- had been taken by the Informant from the Bank counter in cash, while Rs.300/- was deducted as share money and 1% Rs.30/- was deducted as insurance and hence the case appears to be completely false.

The case diary has been gone through by the A.P.P., who suggests that the documents reveal only a bad transaction.

Having considered the aforesaid, the application is allowed and the proceeding including the order of cognizance dated 15.2.2010 passed by the Judicial Magistrate, 1st class, Muzaffarpur in G.R. case No.140 of 1994 (Trial No.1596 of 2010) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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