

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15341 of 2010

Arising Out of PS.Case No. 1355 Year- 2008 Thana -null District- MUZAFFARPUR

1. Satya Narayan Prasad @ Prasad S/O Late Mahendra Prasad R/O Moh.-
Sikandarpur, P.S. -Town, Dist.-Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sudhir Kumar S/O Braj Kishore Thakur, R/O Moh.-Nunfar Tola Bhagwanpur,
P.S.-Sadar, Dist.-Muzaffarpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Smt. Bela Singh, Advocate
For the State : Mr. S.A. Ahmad, APP
For Opposite Party No.2 : Mr. Abhay Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-09-2015

The Petitioner seeks quashing of the order of cognizance dated 9.1.2009 passed by the Sub Divisional Judicial Magistrate, West, Muzaffarpur in Trial No.1719 of 2010 arising out of Complaint case No.1355 of 2008.

The case of the Complainant is that the Petitioner had transacted for sale of certain piece of land but despite receiving the advance he did not execute the sale deed and ousted him from his house when he confronted him.

It has been submitted on behalf of the Petitioner that he had instituted a case against his son-in-law vide Complaint case No.1869 of 2008 whereafter Uday Mishra and Jitendra Mishra came

to the house of the Petitioner pressurizing him to withdraw the said Complaint. He then filed Complaint case No.2140 of 2008 against Uday Mishra, Jitendra Mishra, Amresh Prakash and Dinesh Prasad. Then a Complaint was filed citing Jitendra Mishra as witness. All the allegations are oral in nature without any documentary proof.

On the other hand, the Counsel for the Complainant submits that since the Petitioner had cheated him, he should be put on trial.

Having considered that there is no documentary proof with regard to the transaction, the application is allowed and the proceeding including the order of cognizance dated 9.1.2009 passed by the Sub Divisional Judicial Magistrate, West, Muzaffarpur in Trial No.1719 of 2010 arising out of Complaint case No.1355 of 2008 without prejudice to either party is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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