

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43896 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

Sanjay Kumar son of Ram Pujan Verma

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajesh Agrawal S/o Late Ramjee Agrawal

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-05-2015

No one appears on behalf of the O.P. No. 2.

The petitioner seeks quashing of the order of cognizance dated 18.02.2009 passed by the Judicial Magistrate, Patna in Complaint Case No. 3025 C of 2008.

The case of the complainant is that he had business dealings with the petitioner in course of which the petitioner issued a cheque of Rs. 3,18,562.20 on 08.08.2008 in lieu of supply of computer articles to him. When the informant deposited the cheque in his account it was dishonoured. When the informant contacted the petitioner he informed him that it was on account of a financial crisis in his family that he had stopped the payment.

The submission of the petitioner is that fact of the matter is that there was an agreement with the informant for supply of 22

computers which were not supplied to the petitioner in time. Since the petitioner was legally authorized by the agreement dated 28.05.2008 to do so, he stopped the payment. However, subsequently the informant chose to file this complaint suppressing this fact.

On the last occasion notices had been issued to the O.P. No. 2 and he was duly represented by a lawyer. However, none appears on his behalf on the second consecutive date.

Considering that the cheque was not dishonored but stopped by the petitioner on account of an agreement between him and the complainant, evidently no criminal offence is made out. Hence the application is allowed and the order of cognizance dated 18.02.2009 passed by the Judicial Magistrate, Patna in Complaint Case No. 3025 C of 2008, is hereby quashed.

(Anjana Prakash, J)

Prakash/-

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