

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4375 of 2012

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

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1. Madhav Singh @ Madhav Kumar Singh, son of Sri Raj Kuamr Singh, At & PO-Sadanandpur, P.S.- Baliya, District- Begusarai, &
 2. Brajesh Pandey, son of late Sri Shankar Pandey, At & PO-Mahuja, P.S.-Bhatpar Rani, District- Deoria (Uttar Pradesh)

.... Petitioner/s

Versus

1. The State of Bihar &
2. Sri Ganesh Prasad Agarwal, son of late Tola Ram Agarwal, resident of Ward No.10, Araria, P.S. & District- Araria (Died)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad Singh, Sr. Advocate with
Mr. Rajeev Ranjan Prasad, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-02-2015

1. The Petitioners seek quashing of the order dated 19.04.2011 by which the Judicial Magistrate, 1st class, Araria, has refused to discharge the Petitioners and framed Charges in Araria P.S. Case No.238 of 1997 arising out G.R. Case No.1235 of 1997.

2. The case of the Informant is that he invested certain amount of money in Daily Deposit Scheme of Sahara India in which the Petitioners were functionaries. However, he was not paid the maturity amount after expiry of the scheme.

3. It has been submitted on behalf of the Petitioners that, no doubt, they were the functionaries at that point in time but it was the Company which had floated the scheme and misappropriated

the amount, if any. Moreover, the Petitioners pursuant to the order dated 03.09.1998 passed in Cr. Misc. No.17311 of 1998 had deposited ₹51,841/- in the account of the Informant. It is under these circumstances that the Petitioners submit that so far as they are concerned they be exonerated. It also appears that the Consumer Dispute Redressal Commission has allowed the appeal of the Company in terms of the deposit of the amount of in question.

4. Considering such aspect of the matter, the order dated 19.04.2011 passed by the Judicial Magistrate, 1st class, Araria, in Araria P.S. Case No.238 of 1997 arising out G.R. Case No.1235 of 1997 in so far as the Petitioners are concerned is hereby set aside.

5. The application stands allowed.

6. Documents produced by the counsel for the Petitioner be kept on the record.

(Anjana Prakash, J)

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