

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19989 of 2012

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Niranjan Prasad S/o Sri Kishori Prasad R/o village Manoharpur Kachhuara
P.S. Gopalpur Dist. Patna owner of Kaniska Trader Shop P.S. Ramkrishna
Nagar Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramchandra Rai S/o Late Mewa Rai Resident of village Manoharpur
Kachhuara P.S. Gopalpur Distt Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan, Adv.

For the Opposite Party/s : Mr. Gajendra Pd.Yadav,.App

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

4 20-02-2015

No one appears on behalf of the Opposite Party no. 2.

The petitioner seeks quashing of the order of cognizance dated 22.03.2012 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 2344 C of 2010.

The case of the complainant is that he entered into an agreement with the petitioner to purchase certain piece of land for which he paid a sum of Rs. 2 lacs. At the time of registry another Rs. 40,000/- was paid to him and Rs. 48,000 was still due. When he started asking for the same the accused person refused to give the rest of the money and instead snatched Rs. 3000/- from him and they also refused to return the agreement to sale.

It has been submitted on behalf of the petitioner that since there is no document to substantiate that in fact a sum of Rs.

2,48,000/- was paid by the complainant even conceding such allegations they being only oral in nature should not be permitted to proceed.

I am inclined to accept the submission raised on behalf of the petitioner. Hence the application is allowed. The order of cognizance dated 22.03.2012 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 2344 C of 2010 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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