

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 47910 of 2012

Arising Out of PS.Case No. -1386 Year- 2011 Thana -null District- SIWAN

Vijay Pratap Singh @ Vijay Singh son of Supratap Singh

.... Petitioner/s

Versus

1. State of Bihar.
2. Manishankar Mishra son of late Bhuneshwar Mishra

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-09-2015

The petitioner seeks quashing of the order of cognizance dated 01.08.2011 passed by the Chief Judicial Magistrate, Siwan in Tr. No. 531 of 2012 arising out of Complaint Case No. C1386 of 2011.

The case of the complainant is that the parties were known to each other in which relationship, the complainant gave a sum of Rs. 5 lacs to the petitioner for drawn up a partnership agreement for running school but he did not do so and the accused persons also took away all the documents that has been executed and hence the present complaint.

It has been submitted on behalf of the petitioner that evidently the complainant did not have any document to make out a case for such a transaction which has been taken place. In absence of

corroboration of the allegations levelled by the complainant, the trial would be a nullity.

On the last occasion notices had been issued to the O.P. No. 2 but none appeared on his despite service of notice.

Having considered the fact that allegations levelled in the complaint petition are without any substantial material, The application is allowed and the order of cognizance dated 01.08.2011 passed by the Chief Judicial Magistrate, Siwan in Tr. No. 531 of 2012 arising out of Complaint Case No. C1386 of 2011 is hereby set aside without being prejudice to the rights of the parties.

(Anjana Prakash, J)

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