

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 25378 of 2009

Arising out of P.S. Case No. -0 Year- null Thana -null
District- PATNA

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Vinod Chaudhary, Son of Sri Bhim Chaudhary, Ex-Regional
Manager (East) of Patriot Automation Projects Ltd. Resident of II,
Lala Lajpat Sarani, P.S.-Bhawanipur, Kolkata-700020.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Neeraj Tibrewal, Son of Sri Om Prakash Tibrewal, Proprietor
of M/s N.M. Enterprises, Sri Ram Bhawan, Exhibition Road, P.S.-
Gandhi Maidan, District and Town-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gowranga Chatterjee, Adv.

For the Opposite Party/s : Mr. Ansarul Haque, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

The Petitioner seeks quashing of the order of
cognizance dated 02.11.2004 passed by the Judicial
Magistrate, 1st Class, Patna in Complaint Case No.
1306(C) of 2004.

The case of the Complainant is that the accused
persons had published an advertisement with regard to
sale of products of its company. The Petitioner had misled
them into transacting with the Company on account of
the rosy picture they had given and hence he deposited a
certain amount of money with the Company but the
transaction went bad. The Complainant asked the
Company to return the money but it refused to do so
hence the present Complaint.

It has been submitted on behalf of the Petitioner that he was merely an employee of the Company and if at all the Complainant had any grievance it was with the Company and not the Petitioner.

Notices had been issued to the Opposite Party No. 2 but none appears on his behalf.

Considering the position of the Petitioner, the proceeding including the order of cognizance dated 02.11.2004 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 1306(C) of 2004 is, hereby, set aside so far as the Petitioner is concerned.

The application stands allowed.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J.)

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