

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13597 of 2009

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

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1. Lakshman Sah, son of Jagannath Sah, resident of Uma Nagar Chandwa, P.S.- Ara Nawada, District-Bhojpur, &
 2. Ramjee Sah, son of late Triloki Sah, resident of Bagawan, P.S.-Agiaon, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar &
2. Pramjeet Kumar @ Ranjeet Sah, son of Mukhlal Sah, resident of Sakin Sohni, P.S.-Piro, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A. B. Ojha, Sr. Advocate with
Mr. Bharat Bhushan, Advocate
Mr. Srinivash Jha, Advocate
For the Opposite Party/s : Mr. R. B. Roy Raman, APP
Mr. M. Pridarshi.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

The Petitioners seek quashing of the order of cognizance dated 04.09.2000 passed by the Judicial Magistrate, Ara, in Complaint Case No.845-C of 2000.

The case of the Complainant is that one Uma Shankar Prasad died in a truck accident about 13 years ago in which ₹35,000/- was awarded as compensation. It was to be deposited in the name of the Complainant till such time he attains the age of majority. When he went to Allahabad Bank on gaining majority, he learnt that his father and the present Petitioner had withdrawn the amount from the Bank and hence, the present Complaint.

Considering that the dispute is between the father and the son, I see no reason why the Petitioners/accused persons should be put on trial.

Hence, order of cognizance dated 04.09.2000 passed by the Judicial Magistrate, Ara, in Complaint Case No.845-C of 2000, is hereby set aside **against all the accused persons.**

The application stands allowed.

(Anjana Prakash, J)

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