

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36981 of 2012

Arising Out of Complaint Case No.2356(c)Year- 2010 District- PATNA

Manish B. Mohanka, son of Sri Binod Kumar Agrawal, resident of Flat No. A-6, Tara Tower (behind Republic Hotel), Exhibition Road, P.S. Gandhi Maidan, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Himanshu Kumar, son of Tej Narayan Singh, resident of village Ram Sakal Kunj, Adarsh Colony, West Patel Nagar, P.O. Shastri Nagar, Distt. Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr. Sinha, Adv.

Mr. S.K. Bhatnagar, Adv.

For the State : Mr. Iftekhhar Mahmood, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-03-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 27.1.2011 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 2356(c) of 2010 on the ground taken in the supplementary affidavit that the entire amount of Rs.1,00,000/- has already been deposited in the Court below in favour of the Complainant.

In view of such, the application is allowed and the entire Proceeding including the order dated 27.1.2011 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 2356(c) of 2010 is hereby set aside.

The Court below shall disburse the amount to the Complainant on due verification within a period of three weeks from the date of receipt of this order if it has not done so already.

(Anjana Prakash, J)

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