

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50278 of 2012

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

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Phulo Sao son of Bijo Sao resident of Flat No. F/21 Vidyut Board Colony P.S.
Shastri Nagar Dist. Patna.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-08-2015

The petitioner seeks quashing of the order dated 14.08.2012 by which the learned Sessions Judge, Patna in Cr. Revision No. 339 of 2012 has affirmed the order dated 28.03.2012 by which the Judicial Magistrate 1st Class, Patna has refused to discharge the petitioner in Complaint Case No. 296C of 2008.

The case of the complainant is that the petitioner had taken loan from him but despite the legal notice he did not return the same.

It has been submitted on behalf of the petitioner that even conceding the allegation in the complaint petition no criminal offence is made.

On the other hand counsel for the complainant submits that despite giving notice the petitioner did not return the amount in

question and hence he should be put on trial.

Considering that in the facts of the complaint no criminal offence is made out, the application is allowed. The order dated 14.08.2012 passed by the learned Sessions Judge, Patna in Cr. Revision No. 339 of 2012 and the order dated 28.03.2012 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 296C of 2008 are hereby set aside.

(Anjana Prakash, J)

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