

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15977 of 2010

Arising Out of PS.Case No. 191 Year- 2004 Thana -null District- DARBHANGA

1. Lalit Narayan Jha S/O Shri Ram Kedar Jha, the then Branch Manger Haripur Branch Mithila Keshtrya Gramin Bank Distt.-Darbhanga Presently Posted As Officer In Regional Officer Darbhanga, Uttar Bihar Graimin Bank

.... Petitioner/s

Versus

1. State Of Bihar
2. Shambhu Nath Jha S/O Harinandan Jha R/O Amaithi, P.S.-Bahera, Distt.-Darbhanga

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Jha, Advocate
For the State : Mr. Gopesh Kumar, APP
For Opposite Party No.2 : Mr. Subhash Chandra Bose, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-10-2015

The Petitioner seeks quashing of the order of cognizance dated 19.7.2005 passed by the Sub Divisional Judicial Magistrate, Benipur, Darbhanga in Complaint case No. CR-191 of 2004, which was affirmed by order dated 3.11.2009 passed by the 1st Additional Sessions Judge, Darbhanga in Criminal Revision No.24 of 2006.

The case of the Complainant is that on the date of occurrence when he went to Haripur Branch of Mithila Kshetriya Gramin Bank, where the Petitioner was Branch Manager, for purposes of loan, the Petitioner started abusing and humiliating him. He also assaulted him and committed theft of his personal property.

It has been submitted on behalf of the Petitioner that fact of the matter is that the Complainant wanted to procure loan without having followed the procedure and when it was refused he filed the present Complaint under absurd charges. There was no reason why the Petitioner being the Branch Manager would have behaved in the manner alleged.

On the other hand, the Counsel for the Complainant submits that since ingredient of criminal offence is made out in the facts of the case, the Petitioner should be put on trial.

Having considered the absurd nature of allegations, the application is allowed and the proceeding including the order of cognizance dated 19.7.2005 passed by the Sub Divisional Judicial Magistrate, Benipur, Darbhanga in Complaint case No. CR-191 of 2004 as also the order dated 3.11.2009 passed by the 1st Additional Sessions Judge, Darbhanga in Criminal Revision No.24 of 2006 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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