

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32793 of 2012

Arising Out of PS.Case No. -1601 Year- 2009 District- KHAGARIA

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1. Prabhat Kumar S/O Late Bishwanath Prasad Sinha Presently Working As Branch Manager, LIC Of India, Satelite Office, Branch-1, Local Shopping Cenre, Vasant Kunj (Near Delhi Jal Board), New Delhi-110070

2. M. Ekka S/O Sri Mikhael Ekka Presently Working As Assistant Administrative Officer in B & AC Department, LIC Of India, East Central Zonal Office, Jeevan Deep Building, Exhibition Road, Patna-800001

.... Petitioner/s

Versus

1. The State Of Bihar

2. Md. Mokhtar S/O Md. Jhaksu Resident Of Village- Marar, P.O.- Marar, P.S.- Morkahi, District- Khagaria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Prasad, Advocate

For the State : Mr. Nityanand, APP

For Opposite Party No.2 : None

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-02-2015

The Petitioners seek quashing of the order of cognizance dated 19.1.2012 passed by Shri Prashant Kumar, Judicial Magistrate, 1st class, Khagaria in Complaint case No.1601C of 2009.

This is the second Complaint filed by the Complainant with an allegation that he had taken a money back policy under which he was entitled to get a sum of Rs.10,000/- in the month of July, 2007. However, the cheque was delivered to another person acting with the connivance of the present Petitioners, who are L.I.C. Officers. Thereafter some employee brought the cheque before the authorities

and got the name of the Complainant struck off and that of Manoj Kumar Thakur inserted in its place and thereafter the said money was withdrawn by him.

It has been submitted on behalf of the Petitioners that they were high officials of the L.I.C. at that point in time and it is impossible to believe that they would be in connivance with some accused persons at the local level for disbursement of Rs.10,000/-.

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

Having considered the factual aspect of the Complaint, I would be inclined to hold that the allegation so far the Petitioners are concerned is absurd and unbelievable.

Hence, the application is allowed and the proceedings so far the Petitioners are concerned including the order of cognizance dated 19.1.2012 passed by Shri Prashant Kumar, Judicial Magistrate, 1st class, Khagaria in Complaint case No.1601C of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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