

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45556 of 2012

Arising Out of PS.Case No. -1306 Year- 2012 Thana -null District- -

=====

Kumar Shailendra son of Sri Ram Anugrah Prasad, resident of village Postal Park Road No.4, P.S. Jakkanpur, District Patna, presently working as Officer, Sahara India, Sector Office, Kankarbagh, Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. K.P. Karn son of late Tej Narayan Prasad Karn, resident of 2, Magistrate Colony, Opp. Aparajita Apartment, Khajpura, P.S. Rajiv Nagar, District Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-06-2015

The Petitioner seeks quashing of the order of cognizance dated 6.8.2012 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.1306C of 2012.

The case of the Complainant is that he was approached by the co-accused for investing in Sahara, which was a reputed company. Pursuant to the same he invested a certain amount of money as fixed deposit, which was to mature sometime in 2013. However, on his asking the Accused Nos.2 and 3 issued two cheques but the same could not be encashed by the Complainant. When he approached the Accused No.3 for a fresh cheque, it was not revalidated. He then filed several Complaints before the District Forum in which notices were issued to the accused persons.

It has been submitted that the Petitioner was merely an employee of the Company and he has no personal interest in the matter. The cheque which had been issued by the Petitioner was encashed by the Complainant and hence he should not have been arrayed an accused in the present case. The rest of the cheques have been issued by the co-accused and not the Petitioner.

On the last occasion notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Considering the facts of the case and role of the present Petitioner, in my opinion no criminal offence is made out as against him. Hence, the application is allowed and the proceeding so far as the Petitioner is concerned including the order of cognizance dated 6.8.2012 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.1306C of 2012 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

U		T	
---	--	---	--