

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48302 of 2012

Arising Out of PS.Case No. -908 Year- 2009 Thana -null District- -

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1. Sanjiv Rai S/O Late Shivendra Prasad Rai, Managing Director, Ornate Labs Pvt. Ltd. Bela Industrial Estate, P.S.- Bela, District- Muzaffarpur

2. B.K. Thakur @ Binod Kumar Thakur S/O Late Rameshwar Thakur, Director, Ornate Labs Pvt. Ltd. Bela Industrial Estate, P.S.- Bela, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Soni Shrivastava, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-08-2015

The Petitioners seek quashing of the order of cognizance dated 18.11.2010 passed by the Judicial Magistrate, 1st class, Muzaffarpur in Complaint case No.908 of 2009.

The case of the Complainant is that whereas he is the Proprietor of M/s Ganpati Medicine Centre, the Petitioner No.1 is the Managing Director and Petitioner No.2 is the Director of M/s Ornate Lab Pvt. Ltd., with whom he was doing business. In course of the same, the Petitioners in their official capacity issued two cheques which were dishonoured. It is then that the present Complaint was instituted.

It has been submitted on behalf of the Petitioners that

even conceding the allegations since the Company has not been made an accused, the present Complaint is not worth proceeding.

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

Having considered the aforesaid submission, the application is allowed without prejudice to any party and the proceeding including the order of cognizance dated 18.11.2010 passed by the Judicial Magistrate, 1st class, Muzaffarpur in Complaint case No.908 of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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