

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2787 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Suresh Kumar Jalan S/o Jaabbar Lal Jalan, Proprietor, Jalan and Company, 122, Old court House, Street corner, Kolkata-700001
 2. Mahesh Chandra Mantri S/o Manohar Lal Mantri Mukti Chambers, 4 clive road, Kolkata-700001

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumar Binay Sinha S/o Mahendra Bahadur Sinha, resident of "Shakti Niwas", behind hotel Lalita East Boring road, Patna-800001

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devi Das Srivastava, Advocate

For the Opposite Party/s : Mr. R.B.S. Pahepuri, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-07-2015

The Petitioners seek quashing of the order of cognizance dated 21.3.2002 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.2041C of 2000.

The case of the Complainant is that he had purchased 500 shares of Jai Prakash Industries Limited on 24.2.1995 at a certain rate, but despite his communications through registered post the certificates were not transferred in his name nor did he receive them. He then sent legal notice to the accused persons but they did not reply and hence the present case.

It has been submitted on behalf of the Petitioners that even conceding the allegations in the Complaint Petition, at best a

case of non-transfer of shares and non-acknowledgement of the communications to the incumbents is made out, which are not culpable, therefore, the Petitioners be exonerated from prosecution.

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

Having considered the nature of allegations, I am inclined to agree with the submissions so raised on behalf of the Petitioners. Hence, the application is allowed without prejudice to either parties and the entire proceedings against all the accused persons including the order of cognizance dated 21.3.2002 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.2041C of 2000 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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