

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9794 of 2009

Arising Out of Complaint Case No. -44 C Year- 2005 District- PATNA

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Krishna Nandan Prasad Singh @ Krishna Nand Prasad Sinha, son of late Nathuni Pd. Sinha, resident of Mohalla West Rajiv nagar, Ashiana Digha Road, P.S. Rajiv Nagar, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Satyendra Pd. Arya, son of late Dharmdeo Pd. Arya, Assistant Teacher Smt. Girija Kunwar High Schook, village & P.O. Masaurhi, P.S. Masaurhi, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.
Mr. Parimal Kishore Narayan
For the State : Mr. R.S. Rai, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-07-2015

Heard learned counsel for the Petitioner and the State. No one appears on behalf of the Opposite Party No. 2.

The Petitioner seeks quashing of the order of cognizance dated 15.9.2005 passed by the Sub Divisional Judicial Magistrate, Masaurhi (Patna) in Complaint Case No. 44-C of 2005.

The case of the Complainant is that the Petitioner did not deposit Rs.10,659/- in P.F. account.

It has been submitted that subsequently, the Petitioner did so and hence, there is no justification for continuance of the present Prosecution.

Be that as it may, in view of the subsequent good of the

loss having been caused by the Petitioner without going into criminality of the act, the application is allowed and the Proceeding including the order of cognizance dated 15.9.2005 passed by the Sub Divisional Judicial Magistrate, Masaurhi (Patna) in Complaint Case No. 44-C of 2005, is hereby set aside.

Application stands allowed.

(Anjana Prakash, J)

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