

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 25123 of 2009

Arising out of P.S. Case No. -0 Year- null Thana -null

District- SITAMARHI

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1. Abdul Mannan, Son of Late Md. Isha.
 2. Md. Irfan, Son of Late Md. Gufran. Both resident of Village- Raipur, P.S.-Nanpur, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Branch Manager, Punjab National Bank Gaura, P.S.-Nanpur, District-Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv.

For the Opposite Party/s : Mr. D. Nandan, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 11/13.03.2009 passed by the Sub-divisional Judicial Magistrate, Pupri at Sitamarhi in Nanpur P.S. Case No. 88 of 1995 (G.R. No. 332 of 1995, Tr. No. 1122 of 2009).

The case of the Informant, who was the Branch Manager of Punjab National Bank, Gaura, Sitamarhi is that the Petitioners had misappropriated the loan amount awarded to them.

It has been submitted on behalf of the Petitioners that after the Petitioners defaulted in repayment of loan amount the bank filed certificate case and as per ruling of the Court the Petitioners have deposited the entire amount.

On the other hand, Counsel for the Complainant submits that since the Petitioners failed to deposit the loan amount they should be prosecuted.

Considering that once the case was decided on certain terms by the Certificate Officer and the Petitioners have acted as per its directions the best course for the Bank would be to file an appeal against such order if it was still aggrieved and there is no scope for any criminal prosecution.

Hence, the entire proceeding including the order of cognizance dated 11/13.03.2009 passed by the Sub-divisional Judicial Magistrate, Pupri at Sitamarhi in Nanpur P.S. Case No. 88 of 1995 (G.R. No. 332 of 1995, Tr. No. 1122 of 2009) is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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