

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41946 of 2009

Arising Out of Complaint Case No. 39 Year- 2007 District- PATNA

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1. Pee Ell Alloys (Pvt) Ltd., Lane 4 Phase-II, SIDCO, Industrial Complex, Baribrahman, Jammu, Jammu & Kashmir, through its Managing Director, namely Shri Rajesh Trehan, son Shri Pyare Lal Saraf, r/o 31/DC Gandhi Nagar, Jammu and Kashmir.
 2. Rajesh Trehan, son of Pyare Lal Saraf, resident of 31 D/C, Gandhi Nagar, Jammu, Jammu & Kashmir.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajinder Drolia, Proprietor, Colour & Chemical Gaighat North Lane, Gulzarbagh, Patna.
3. Colour & Chemical, Gaighat North Lane, Gulzarbagh, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Abhijat, Adv.
Mr. Manoj Kumar Gupta, Adv.

For the State : Mr. S.M. Rahman, A.P.P.
For the Opposite Party No. 2 : Mr. D.N. Tiwary, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-08-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 21.5.2007 passed by the Additional Chief Judicial Magistrate, Patna City, in Complaint Case No. 39 of 2007.

The case of the Complainant is that despite having received a certain amount of money the accused persons did not appoint him as distributor and hence the present Complaint.

It has been submitted on behalf of the Petitioners that even accepting the allegations, no criminal offence would be made out

as against the Petitioners in the facts of the case and, hence, they should not be put on Trial.

On the other hand, the learned counsel for the Complainant submits that since the accused persons misappropriated his money, they should be put on trial.

On perusal of the allegations, I am unable to convince myself that any criminal offence is made out and hence, the application is allowed and the Proceeding including the order of cognizance dated 21.5.2007 passed by the Additional Chief Judicial Magistrate, Patna City, in Complaint Case No. 39 of 2007, as against all the accused persons, is hereby, set aside.

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(Anjana Prakash, J)

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