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IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44428 of 2009

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1. Mintu Singha Ray @ Mintu Singh Ray S/O Late Tarani Kanta Singha Roy Proprietor M/S L.A.P. Automobiles having its Head Office At B-9/283 (CA) Kalyani, P.S Kalyani, Distt- Nadia, West Bengal
2. M/S L A P Automobiles having its Head Office At B-9/283 (CA), Kalyani, P.S Kalyani Distt- Nadia, West Bengal through its Proprietor, Mintu Singha Ray @ Mintu Singh Ray
3. M/S Loknath Auto Project, sister concern of LAP Automobiles, having its office at B-9/163, Kalyani, P.S Kalyani Distt- Nadia, West Bengal through Mintu Singha Ray @ Mintu Singh Ray, son of late Tarani Kanta Singha Ray
4. Subhashish Dutta S/O Late Jitendra Mohan Dutta B-9/283(Ca), Kalyani, P.S Kalyani, Distt- Nadia, West Bengal

.... Petitioner/s

Versus

1. The State Of Bihar
2. M/S Sharda Trade Link, R.S. Mishra Path East Boring Canal Road, Patna , A Proprietorship Concern Of Smt. Gitanjali Jaishwal through the Attorney Sri Shailendra Kumar Jaishwal, son of late Ekwal Prasad Jaishwal, C/o of N.N. Jaishwal, Resident Of Dujra Main Road, P.S Buddha Colony, Town & District Patna

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pankaj Maijorwar, Adv.
For the Opposite Party/s : Mr. J. Upadhyay, (APP)
For the Opposite Party No. 2 : Mr. Mukesh Kumar Modi, Adv.
Mr. Abinash Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 31-08-2015

No one appears on behalf of the Petitioners

The Petitioners seek quashing of the order of cognizance dated 27.5.2009 passed by the Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 324 (C) of 2009.

The case of the Complainant is that despite having taken Security Money amount for appointment as CNF Agent, the

Company did not transact any business with him and, hence, the present Complaint.

I find from the petition filed herein that initially there was some transaction between the Parties but both the relationship soured, probably for which reason, the present Complaint appears to have been filed.

The counsel for the Complainant submits that since at the very inception, the accused persons had intention to cheat him, they should be put on Trial.

Considering the nature of allegations enumerated above, the application is allowed and the Proceeding including the order of cognizance dated 27.5.2009 passed by the Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 324 (C) of 2009, is hereby, set aside.

(Anjana Prakash, J)

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