

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2712 of 2015

Arising Out of PS.Case No. -1757 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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Indu Kumari wife of Sushil Kumar, resident of Flat No. 303, Third Floor,
Raghunandan Lok Apartment, A.N.Path, Kadam Kuan, P.S - Kadam Kuan,
District - Patna

.... Petitioner/s

Versus

1.The State of Bihar

2.Rajesh Kumar son of Late Phaguni Saw, resident of Flat No. 203,
Raghunandan Lok Apartment, A. N. Path, P.S-Kadam Kuan, District-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Shankar Prasad, Advocate

For the Opposite Party/s : Mr. Abhay Kumar-I, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH

ORAL ORDER

4 05-08-2015 In the instant application filed under section 482 of the

Code of Criminal Procedure (for short “the Code”), the petitioner
seeks quashing of the order dated 6.10.2012 passed by the learned
Judicial Magistrate, 1st Class, Patna in Complaint Case No.1757C
of 2012 whereby the learned Magistrate has summoned the
petitioner to face trial for the offences punishable under section
406 of the Indian Penal Code as well as section 138 of the
Negotiable Instruments Act.

From perusal of the impugned order dated 6.10.2012 it
would appear that the learned Magistrate has summoned the
petitioner after taking into consideration the statement of the

complainant on oath and the statements of the witnesses examined in course of enquiry under section 202 of the Code.

In the present application neither the statement of the complainant nor the statements of the witnesses examined in course of enquiry has been brought on record. In absence of those documents, I find it difficult to adjudicate this application on merit.

In that view of the matter, the application is disposed of with liberty to the petitioner to file another application in the same subject matter after bringing on record all the relevant documents on the basis of which the learned Magistrate passed the impugned order.

(Ashwani Kumar Singh, J)

Md.S./-

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