

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.43906 of 2008**

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

Mr.Suman Chakravorty S/o Sudhindra Kumar Chakravorty Senior Manager Canara Bank South Gandhi Maidan Main Branch Patna.

.... .... Petitioner/s

Versus

1. State of Bihar.
2. Chandradeo Singh S/o Shivdhari Singh resident of C/o Mohan Singh Bigrampur P.S. Jakkanpur Dist. Patna.
3. Shiv Chandra Prasad Singh S/o Ram Parikshan Singh resident of village Mithanpura Near Church Muzaffarpur at present posted as Account Assistant Transmission Division Office Bihar State Electricity Board Samastipur.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

ORAL JUDGMENT

**Date: 26-06-2015**

The petitioner seeks quashing of the entire proceeding including the order of cognizance dated 07.09.2006 passed by the Judicial Magistrate 1<sup>st</sup> Class Patna in Complaint Case No. 1860C of 2006.

The case of the complainant is that while the petitioner was posted as Manager, Canara Bank, South Gandhi Maidan, Patna Main Branch he took loan under a certain scheme in which the O.P. No. 3 was a guarantor. Even though on different dates the petitioner deducted deposits of the amount of loan it was found that extra money had been withdrawn which was refused to be returned by the

Petitioner.

It has been submitted on behalf of the petitioner that even conceding the allegation in the complaint petition, no criminal offence would be made out. At best it would be a case of accounting and the Complainant has no chance of losing in any manner since all transactions in the Bank are documented

Having considered the aforesaid fact, the application is allowed and the order of cognizance dated 07.09.2006 passed by the Judicial Magistrate 1<sup>st</sup> Class Patna in Complaint Case No. 1860C of 2006 is hereby set aside.

**(Anjana Prakash, J)**

Prakash/-

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