

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48291 of 2012

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1. Manokamna Singh S/O Late Rajdeo Singh R/O Vill-Wajitpur, P.S.-
Marhaura, Distt-Saran

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. M.Haque (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 14-05-2015

Heard learned counsel for the petitioner and the State.

In this case, petitioner is challenging the order dated 28th May 2012 passed in Cr. Appeal No. 10 of 2012 affirming the order of cognizance dated 21st December 2011 passed in Complaint Case No. 2101 of 2011.

Allegation has been made that the petitioner and others giving false assurance for providing job, cheated Rs.4,00,000/- (four lacs) and on that basis the court has taken cognizance.

Counsel for the petitioner submits that the statements made in the complaint petition as well as in the S.A. is incoherent and discrepancy is at large so much so that there is also a statement in the S.A. of return of Rs.,1,50,000/ (one lac fifty thousand) by Birendra Singh who, in fact, had taken the money

through cheque but the same was returned on account of insufficient fund.

Counsel for the petitioner submits that the present application is abuse of process of court.

In the complaint petition specific allegation has been made against the petitioner and S.A. does not at all discard the alleged involvement of the petitioner. In such view of the matter, when the two courts have concurrently arrived to a finding of prima facie case, it will not be proper for this Court to interfere in the matter.

Accordingly, this petition is dismissed with liberty to raise all the points at the appropriate stage.

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(Shivaji Pandey, J)