

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51068 of 2012

Arising Out of Complaint Case No.1411 Year- 2012 District- -Motihari (East Champaran)

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L. Ajit Kumar @ Ajit Kumar, son of Laxman Acharya, Director, FRISCHMANN PRABHU (INDIA) PVT. LTD., 315, Balgovind Wadi, New Prabhadevi Road, Prabhadevi, P.S. Dadar, West, Mumbai. Maharashtra, Pin 400025

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Srivastava, son of Akhileshwar Prasad Srivastava, resident of Mohalla Shivpuri Belwanwa, P.S. Motihari Town, Distt. East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Nr. Prasad Sinha, Sr. Adv.
Mr. Jitendra Narayan Sinha, Adv.
Mr. Sharda Nand Mishra, Adv.

For the State : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-08-2015

No one appears on behalf of the Opposite Party No. 2 on repeated calls.

The Petitioner seeks quashing of the order of cognizance dated 12.7.2002 passed by the Judicial Magistrate, 1st Class, Motihari, East Champaran, in Complaint Case No. 1411 of 2012.

The case of the Complainant is that he was appointed as a team leader for supervising N.H. 28 by the Company whereas the Petitioner was the Deputy General Manager. The Company started mishandling the accounts which were due to the Petitioner and even after repeated assurances by the co-accused that the payments would be made, such an action was not done.

It has been submitted that as is evident from the Complaint petition, there is no specific allegation as against the Petitioner as he being the General Manager was not personally involved in financial transaction. Also from the facts of the Complaint, it appears that it is a case of financial dispute between the Parties which has led to institution of the present criminal Complaint which is unjustified.

Considering the aforesaid aspect, the application stands allowed and the Proceeding including the order of cognizance dated 12.7.2002 passed by the Judicial Magistrate, 1st Class, Motihari, East Champaran, in Complaint Case No. 1411 of 2012 so far as the Petitioner is concerned, is hereby set aside.

(Anjana Prakash, J)

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