

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19593 of 2015

Arising Out of PS.Case No. -1157 Year- 2013 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Malti Rani, Wife of Late Sunil Kumar Singh, Resident of Khadi Bhandar Road, Musahari Ramna, P.S.- Kotwali, District - Muzaffarpur.

2. Sanjeev Parasar @ Sanjeev Kumar Singh, Son of Sri Ram Janam Singh, Resident of village - Silouth (Vimal), P.S.-Maniyari, District - Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar.

2. Vishwanath Mishra, Son of Late Jagdish Mishra. Resident of village - Bihra, P.S.- Bihra, District - Saharsa (Bihar).

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 07-05-2015

The present application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 27.02.2015 passed by the learned Judicial Magistrate-II, Saharsa in Complaint Case No. 1157 of 2013 whereby finding a prima facie case to be made out under Sections 406 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act, 1881, the petitioners have been

summoned to face trial.

A bare perusal of the impugned order would show that the summoning order has been passed not only on the basis of the complaint but also after taking into consideration the statement of the complainant on oath as well as the deposition of two inquiry witnesses. Neither the statement of the complainant nor the deposition of the witnesses has been annexed to the present application filed by the petitioners.

In that view of the matter, I find it difficult to decide the case on merits.

Accordingly, the application is disposed of with a liberty to the petitioners to file another application in the same subject matter after bringing on record all the relevant documents.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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