

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23726 of 2012

Arising Out of Complaint Case No.2263 Year- 2007 District- BANKA

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1. Gautam Sah, S/O Late Rabindra Nath Sah, 183 Ramkrishan Road, P.O. and P.S.- Chinsurah, District- Hooghly (W.B.) Pin-712101, Branch Bank Manager, UCO Bank, Jaipur, P.S.- Katoria, District- Banka
 2. Uday Raut @ Uday Shankar Raut, S/O Chhotelal Raut, Resident Of Mohalla- Jhonsagarhi, B. Deoghar, P.S.- Deoghar, District- Deoghar, At Present UCO Bank, Jaipur, P.S.- Katoria, District- Banka
 3. Suresh Prasad Mishra, S/O Late Dular Mishra, Resident Of Village- Jaipur, P.S.- Katoria, Dist.- Banka At Present Cashier, Uco Bank, Jaipur, P.S.- Katoria, District- Banka

.... Petitioner/s

Versus

1. The State Of Bihar
2. Kailash Prasad Yadav, S/O Late Sharthi Yadav, Resident Of Village- Yadaw Market Jaipur, P.S.- Katoria, Dist.- Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Pd. Singh, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-04-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated 4.6.2010 by which the Sub Divisional Judicial Magistrate, Banka, in Complaint Case No. 2263 of 2007 has taken cognizance under Sections 323 and 427 of the Indian Penal Code.

The case of the Complainant is that on a certain date, he went to the Bank to deposit Rs.5,500/- and handed over eleven notes denomination of five hundred each, to the Petitioner No. 3 who was

the Cashier and then to the Bank Manager who refused to deposit the said amount. When the Complainant questioned him, he said that all the notes were forged and, thereafter, got them burnt.

The submission of the Petitioners is that contrary to the claim of the Complainant, there was no record of entry of the money in the Scrolling register and the Complaint appears to have been instituted for ulterior reasons.

On the other hand, the counsel for the Complainant submits that since the Bank Officer had burnt his money, they should be put on trial.

Having considered the facts of the Complaint, I would be inclined to hold that the allegations appear to be absurd and untrustworthy and, hence, the order of cognizance deserves to be set aside.

Hence, the application is allowed and the Proceeding including the order dated 4.6.2010 passed by the Sub Divisional Judicial Magistrate, Banka, in Complaint Case No. 2263 of 2007 is hereby set aside.

(Anjana Prakash, J)

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