

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46264 of 2012

Arising Out of PS.Case No. -74 Year- 2010 Thana -null District- BHABHUA (KAIMUR)

1. Bhuneshwar Sah S/O Late Sital Ram Sah R/O Village - Lalapur, P.S. Kudra,
District - Kaimur At Bhabhua

.... Petitioner/s

Versus

1. The State Of Bihar
2. Pramod Kumar S/O Jagdev Prasad R/O Village - Lalapur (Kudra), P.S. Kudra,
District - Kaimur At Bhabhua

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-09-2015

The Petitioner seeks quashing of the order of non-discharge dated 30.5.2012 passed by the Sub Divisional Judicial Magistrate, Kaimur at Bhabhua in Trial No.1857 of 2012 arising out of Kudra P.S. case No.74 of 2010 (G.R. No.818 of 2010).

The case of the Informant is that he used to do business with the Petitioner, in course of which he borrowed his motorcycle for sometime and took away three copies of blank cheque from the cheque book kept in the dickey of the motorcycle.

It has been submitted on behalf of the Petitioner that evidently the present case has been instituted as a defence since earlier the Petitioner had instituted a case against the Opposite Party No.2 on

the ground of dishonour of a cheque issued by him. In this regard a Money Suit was also filed by the Petitioner. It is only as a defence that the present case has been filed.

Notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Having considered the background facts, the application is allowed and the proceeding including the order of non-discharge dated 30.5.2012 passed by the Sub Divisional Judicial Magistrate, Kaimur at Bhabhua in Trial No.1857 of 2012 arising out of Kudra P.S. case No.74 of 2010 (G.R. No.818 of 2010) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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