

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45095 of 2012

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Dayanidhi Singh

.... Petitioner/s

Versus

1. State of Bihar
2. Shree Ajay Kumar Singh

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha--Advocate

For the Opposite Party/s : Mr. A. K. Shrivastava (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 20-07-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Inspite of notice issued against the opposite party
no.2, none represents the opposite party no.2.

Petitioner has challenged the order dated 11.04.2011
passed by Smt. Shachi Mishra, Judicial Magistrate, 1st Class,
Sasaram, Rohtas in Complaint Case no.C-1437 of 2010 whereby
and whereunder petitioner has been summoned to face trial for an
offence punishable under Section 420 I.P.C. and Section 138 of
the N. I. Act.

As per allegation, there happens to be business
dealing amongst the parties and on account thereof, Rs.70,00,000/-
(Seventy lacs) fallen due and for the payment of the same, it has
been alleged by the complainant that petitioner/ accused had
issued a cheque of I.C.I.C.I. Bank drawn at Lacknow without

adverting to other aspect, in view of judicial pronouncement laid down by the Hon’ble Apex Court as reported in 2015 Criminal Law Journal Page-166, the place of suing has been identified where the drawee bank is situated. Certainly, from the averments of the complaint petition itself, it happens to be Lucknow. That being so, the learned lower Court will act in accordance with Section 201 of the Cr.P.C.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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