

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49454 of 2012

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Rajeev Kumar Roy S/O Sri Ramanand Roy Resident Of Village- Haripur,
Police Station- Barauni, District- Begusarai.

.... Petitioner/s

Versus

1. The State Of Bihar

2. Arun Yadav S/O Sri Ram Khelawan Yadav Resident Of Village- Tara
Belsandi, Police Station- Bibhutipur, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Amrendra Kumar No.1

For the Opposite Party/s : Mr. A.L.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 13-03-2015 This is an application seeking quashing of the order dated

04.06.2011 passed by learned Judicial Magistrate, 1st Class,
Rosera, Samastipur in Trial No. 1535 of 2012 arising out of
Complaint Case No. 143 of 2011 whereby he has taken
cognizance for the offence punishable under Sections 406 and 420
of the Indian Penal Code and has summoned the petitioner to face
trial.

Learned counsel for the petitioner submits that the
institution of criminal case against the petitioner is malicious and
as a matter of fact the complainant has purchased the vehicle from
the petitioner at a very low price knowing well that there was loan
on the said Mahindra vehicle.

Be that as it may, I find that on the basis of the contents of

the complaint petition, offence under Sections 406 and 420 of the Indian Penal Code is made out. The order of the Court below for taking cognizance and summoning the petitioner for trial cannot be faulted with. It is however, observed that petitioner shall have the liberty to raise the issue as raised in the present application at appropriate stage before the Court below.

This application is disposed of accordingly.

(Chakradhari Sharan Singh, J.)

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