

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5964 of 2016

Arising Out of PS.Case No. -12 Year- 2013 Thana -PIYAR District- MUZAFFARPUR

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Chandra Mohan Sahay @ Chandra Mohan Sahai, S/o Late Ripudaman Sahay, resident of mohalla- Ramraji Road, Maripur, P.S. Sadar, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramesh sahani, S/o late Kishun Sahni, resident of village- Bandra, P.S.- Piar, District- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. J.N. Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-07-2016

The present application has been filed for quashing of the order dated 11.09.2015, passed by the learned J.M., Ist Class, Muzaffarpur in Piar P.S. Case No. 12 of 2013 whereby cognizance has been taken under Sections 407, 408/34 of the Indian Penal Code.

The prosecution case is that a cheque of Rs. 20,000/- drawn of S.B.I. Lukhnow was deposited in Uttar Bihar Kshtriya Gramin Bank, Bandra branch account of the informant, but the money was not credited in the account of the informant nor it was paid to the informant.

It is submitted by the learned counsel for the petitioner that the alleged cheque was deposited on 16.06.2010 whereas the petitioner being the Cashier of the said Bank was transferred and relieved on 10.05.2010 and

now the petitioner has retired on 31.03.2015. Learned counsel for the petitioner has not disputed the fact that on conclusion of investigation the Final Report (Charge-sheet) was submitted against the petitioner and consequently the order of cognizance has been passed.

In view of this Court, at the stage of taking cognizance the Magistrate has only to see the prima facie case. Hence, this Court is not inclined to interfere.

The application is disposed of with liberty to the petitioner to raise all the contentions at the time of framing of charge.

(Dinesh Kumar Singh, J)

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