

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38769 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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Ejazul Bari S/o Dr. Qamrul Bari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-04-2016

The petitioner seeks quashing of the order of cognizance dated 20.02.2007 passed in Complaint Case No. 1012 of 2006 by the Judicial Magistrate 1st Class, Patna.

The case of the complainant is that the petitioner representing himself as a power of attorney holder of another person took money from him and thereafter said land has been sold.

The submission of the petitioner is that he is not the person who had accepted the money which will evident from the fact that the complainant had filed money suit for recovery of money in question against the land holder i.e. Title Suit No. 162 of 2010.

On the other hand, the complainant submits that since the petitioner representing himself as a power of attorney holder had taken money from him, he should be put on trial.

Even accepting the complaint petition I am unable to convince myself that as to how any criminal offence is made out in the facts of the case. Hence the application is allowed and the order of cognizance dated 20.02.2007 passed in Complaint Case No. 1012 of 2006 by the Judicial Magistrate 1st Class, Patna is hereby set aside so far as the petitioner is concerned.

(Anjana Prakash, J)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	NA
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