

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19669 of 2013

Arising Out of PS.Case No. -2438 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Col. H.P.S. Bawa S/O Late Col. Baba Sunder Singh R/O B.G. 376, Sector 2, Salt Lake City, Kolkata and the Chief Executive Officer, Webel Technology Limited (A Government Of West Bengal Undertaking), Plot No. 5, Block- BP, Sector-V, Salt Lake City, Kolkata- 700 091 (West Bengal)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Satish Kumar Sudhakar, Partner Maa Vaishno Enterprises, Yarpur, Police Station- Gardnibag, Patna (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. R.K. Agrawal, Advocate
Mr. Shiva Kumar, Advocate
Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-03-2016

No one appears on behalf of the Opposite Party No.2.

The Petitioner seeks quashing of the order of cognizance dated 5.10.2012 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.2438C of 2012.

The case of the Complainant is that the Complainant's firm was given the contract for preparation of EPIC of the assembly constituents of Jharkhand State by the accused company. However, he did not receive payments for the work he executed, and when he went to ask for the same the accused became angry and also threatened

him. Till date the payments were not made and it had been misappropriated by the accused persons.

It has been submitted on behalf of the Petitioners that the Complainant was no doubt given the work for executing but he could not execute properly, on account of which the payments were withheld. Even if the allegations are taken in its entirety, no criminal offence would be made out.

Having gone through the facts of the case, I am inclined to agree with such submission. Hence, the application is allowed and the proceeding including the order of cognizance dated 5.10.2012 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.2438C of 2012 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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