

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19847 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- EASTCHAMPARAN(MOTIHARI)

1. Harish Nair, Service Manager, Bayer, Diagnostic, Indian Limited, 589 Sayajipura, Aajwa Road, Baroda -390019, India

.... Petitioner/s

Versus

1. The State Of Bihar
2. Dr. Chandra Bhushan Singh S/O Late Madan Singh, Tribhuwan Diagnostic Centre, Hospital Road, Motihari, Town & District Champaran ,Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Singh, Advocate
For the Opposite Party/s : Mr. M.N. Jha, APP
For Opposite Party No.2 : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-01-2016

The Petitioner seeks quashing of the order of cognizance dated 17.4.2003 passed by the Chief Judicial Magistrate, Motihari, East Champaran in Complaint case No.1852C of 2002.

The case of the Complainant is that he had ordered an analyzer from the Company of the Petitioner which was supplied after taking the full amount, but it did not work despite the intervention of an engineer sent from the Company and then the Complainant's firm also had to pay extra amount for no valid reason. He then sent a legal notice to the Company for making good his loss but it not reply.

It has been submitted on behalf of the Petitioner that

even conceding the allegations in the Complaint Petition, no criminal offence would be made out. For deficiency of service the Complainant has moved the Consumer Forum but he lost even before the said Forum as is evident from Annexure 2.

On the other hand, the Counsel for the Complainant submits that huge loss was caused to the Complainant, the Petitioner should be put on trial.

Having considered that no criminal offence would be made out in the facts of the case, the application stands allowed and the proceeding including the order of cognizance dated 17.4.2003 passed by the Chief Judicial Magistrate, Motihari, East Champaran in Complaint case No.1852C of 2002 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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