

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39816 of 2010

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

Sanjay Kumawat @ Sanjay Jalandhara son of late Badri Prasad, Managing Director of M/s Maharshi Badri Pharmaceuticals Ltd., resident of Baidya Bhawan Shilp Colony, Jhotwar P.S. Jaipur in the town and district of Jaipur (Rajasthan)

.... Petitioner/s

Versus

1. The State of Bihar
2. Jagaran Prakashan, through its Senior Advertisement Manager Sri Paritosh Kumar Jha, son of Sri Santosh Kumar Jha, resident of Reshmi Complex, Kidwaipuri, P.S. Budha Colony in the town and district of Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr. Uday Chandra Pd., APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-02-2016

The Petitioner seeks quashing of the order of cognizance dated 29.5.2009 passed by the court of Sri Dashrath Mishra, Judicial Magistrate, 1st class, Patna in Complaint case No.100(c) of 2009.

The case of the Complainant is that he was in the business of publication of newspaper and other magazines having his regional office at Patna, Jharkhand, Siliguri and other parts of India. In course of the same he was approached by the accused firm for carrying out their marketing and advertisement for organizing an event, certain amount by way of post dated cheque was handed over to the Complainant but when it was presented the same was dishonoured. In this course several transactions had taken place but

none of them bore fruit.

It has been submitted on behalf of the Petitioner that just because he happened to be the Managing Director of the company concerned non-bailable warrant of arrest had been issued against him even though there is no averment that he was in control of the business.

Several attempts were made to reach the Complainant but he has chosen not to appear before this Court.

Having considered the nature of grievance of the Complainant, the application is allowed and the proceeding including the order of cognizance dated 29.5.2009 passed by the court of Sri Dashrath Mishra, Judicial Magistrate, 1st class, Patna in Complaint case No.100(c) of 2009 is hereby set aside without prejudice to the rights of the parties.

(Anjana Prakash, J)

Narendra/-

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