

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38594 of 2010

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

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Shivesh Kumar son of late Sharda Prasad Srivastava, resident of F-47, P.C. Colony,
Kankarbagh, P.S. Kankarbagh, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Shambhu Kumar Dahlan son of late Kedar Nath Dahlan, Proprietor, Rahul
Trade Concern, Dahlan chowk, Saharsa, P.S. Saharsa, District Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyavrat Verma, Advocate

For the Opposite Party/s : Mr. N.N. Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-02-2016

The Petitioner seeks quashing of the order of cognizance dated 6.1.2010 passed by the Sub Divisional Judicial Magistrate, Saharsa in Complaint case No.1257C of 2006.

The case of the Complainant is that he had entered into business transaction with the firm, of which the Petitioner was also a part but subsequently some dispute arose on account of which he had issued some cheques which on presentation were dishonoured.

It has been submitted on behalf of the Petitioner that admitted position is that the Petitioner had not issued those cheques but was issued by the Managing Director, who is also an accused in the present Complaint.

Having considered the aforesaid, the application is

allowed and the proceeding including the order of cognizance dated 6.1.2010 passed by the Sub Divisional Judicial Magistrate, Saharsa in Complaint case No.1257C of 2006 is hereby set aside so far as the Petitioner is concerned.

(Anjana Prakash, J)

Narendra/-

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