

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28119 of 2013

Arising Out of PS.Case No. -1438 Year- 2007 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

J.C. Kunj Bihari son of C.R. Mehra Proprietor M/S Periferal Centre, Tilka
Manjhi Chowk, P.S. And District Bhagalpur, Resident Of Mohalla Jawarpur
(In Front Of Cold Storage) Tilka Manjhi, P.S. And District Bhagalpur.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Ramesh Chandra Pandey son of Jagdish Pandey Manager Cum Cashier,
M/s Bite Shoppe, "Madhuraj" Rajendra Path, In Front Of C.D.A., Building,
P.S. Gandhi Maidan, District Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Mukesh Kr.Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 08-08-2016 Heard Mr. Nafisuzzoha, learned counsel for the

petitioner , learned A.P.P. as well as Sri Binay Kumar Sinha,

learned counsel who has appeared on behalf of the complainant/

opposite party no.- 2.

The petitioner, in the present petition filed under
section 482 of the Code of Criminal Procedure, has prayed for
quashing of an order which was passed long back on 4.10.2007
whereby the learned Magistrate after enquiry has passed order
of cognizance under section 420 of the Indian Penal Code and
Section 138 of the Negotiable Instrument Act.

At the very outset learned counsel for the complainant /

opposite party no. -2 submits that after the order of cognizance many development has taken place before the court below. He submits that before charge witnesses were examined, charges framed and thereafter witnesses have already been examined and only one witness is required to be examined on behalf of the complainant.

In view of the fact that during the pendency of this petition, trial has already commenced, there is no need to pass any positive order.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

U		T	
---	--	---	--