

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34151 of 2013

Arising Out of PS.Case No. -1357 Year- 2011 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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1. Awadh Prasad S/O Late Bujhawan Ram Resident Of Village- Kalyanpur,
P.S.- Udwantnagar, Dist.- Bhojpur Petitioner

Versus

1. The State Of Bihar
2. Kamlesh Naryan S/O Ramasrya Singh Chairman, Bihar State Rular
Cooperative Housing Federation Ltd. At Present Resident Of Muhall- Rajiv
Nagar, Road No.- 9, P.S.- Rajiv Nagar (Patna), Dist.- Patna
..... Opposite Parties

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Appearance :

For the Petitioner : Mr. Rajani Ranjan Pd. Singh, Adv.
For the Opposite Parties : Mr. Shakir Ahmad(App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 03-03-2016

Heard the learned counsel for the petitioner.

This is a petition for quashing the order, dated 14.06.2013, passed by the Sessions Judge, Ara, in Criminal Revision No.139 of 2012 confirming the order, dated 03.07.2012, passed in Complaint Case No. 1357(C) of 2011 on the ground that the matter concerned with civil dispute.

The prosecution case is that Rs.3,20,000/- was given as debt and the same was returned by cheque, which bounced. However, instead of filing petition 138 of the Breach of Contract Act, make out a case under Sections 420, 406 and 120B of the Penal Code. The trial Court has taken into consideration that the matter concerned with offence under Section 138 of the Breach of Contract Act, but, the petitioner appears to have not taken it at appropriate stage to file a case under Section 138 of the Breach of Contract Act and the complaint has been disposed off holding that the matter is a civil dispute.

Having regard to the fact, I do not find any merit to interfere with the order.

This petition is **dismissed**.

However, the petitioner may take recourse to the alternative remedy, available to him.

(Gopal Prasad, J)

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