

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6080 of 2015

Arising Out of PS.Case No. -2575 Year- 2011 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

Prakash Chandra Sinha @ Prakash Chandra Singh, S/o Late Deo Nandan Prasad Sinha, Resident of Ward No. 11, Gopalganj Nagar Parisad, P.S. + District - Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. Awadesh Kumar Tiwari, S/o Late Anirudh Tiwari
3. Rajiv Nayan Tiwari, S/o Late Anirudh Tiwari
4. Navneet Mishra, S/o Suresh Mishra
5. Birendra Prasad Singh, S/o not known Manager of State Bank of India, Main Branch, Gopalganj
6. Prashanjit Lal, S/o not known, Manager Axix Bank Branch, Gopalganj
7. Shashi Prashun, S/o not known Manager Bank of Baroda, Gopalganj. All are residents of Mohalla - Ward No. 11, Gopalganj, Nagar Parisad Haziapur Road, P.S. + District - Gopalganj

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Advocate
For the Opposite Party/s : Mr. Satyavrat Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL JUDGMENT

Date: 02-05-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed for quashing the order dated 20.09.2014 passed by the Additional District and Sessions Judge-IV, Gopalganj in Cr. Revision No. 72/13/60/13 by which he has affirmed the order dated 02.01.2013 passed by Sri Jitendra Kumar, Judicial Magistrate 1st Class, Gopalganj in Complaint Case No. 2575 of 2011/ Trial No. 2180 of 2013 dismissing the complaint filed by the

petitioner.

The prosecution case, as alleged, in the complaint petition is that the accused persons under a conspiracy, defalcated the Bank's money on the basis of forged document. It is alleged that the money was taken on loan on the basis of a forged sale deed, which is with regard to the land of mosque.

However, taking into consideration the fact that though the document, alleged to be forged, has not been produced by the petitioner and the accused persons have no concern with the Bank or the Madarsa Board, who are though affected parties but have not come to support and the case is filed for public interest litigation.

Having regard to the facts that the allegation so made is not supported by the document and the learned Magistrate dismissed the complaint petition. The Revisional Court also dismissed the complaint on the basis that the offence made out, has no sufficient material.

Taking into consideration the facts and circumstances of the case, I do not find any merit to interfere with the petition and the same is dismissed.

(Gopal Prasad, J)

Vats/-

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