

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7951 of 2011

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

- =====
1. Ranjit Kumar, son of late Janardan Prasad
 2. Sanjay Kumar, son of late Janardan Prasad
- Both resident Of Mohalla- Linepar Mirzapur, in front of Surya Mandir, Nawada, P.O.+P.S.+Distt.- Nawada
3. Sanjay Pandey, son of late Ragho Pandey Resident Of Village- Kosi, P.O.- Kosi, P.S.- Roh, District-Nawada

.... Petitioner/s

Versus

1. The State Of Bihar
2. Shiv Shankar Bhadani, son of late Kedar Nath Bhadani, resident of Mohalla- Linepar Mirzapur, in front of Surya Mandir, Nawada, P.O.+P.S.+Distt.- Nawada

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gopal Bohra, Adv.
Mr. Sunil Kumar Sharma, Adv.
For the State : Mr. P.K. Chaurasia, A.P.P.
For the Opposite Party No. 2 : Mr. Ravi Bhushan Pd., Adv.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-05-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 7.12.2010 passed by the Judicial Magistrate, 1st Class, Nawada, in Complaint Case No. 498 of 2010/T.R. No. 2653 of 2010.

The case of the Complainant is that the accused Ganesh Shankar Bhadani approached him for loan to which he agreed on condition that he would execute a sale deed in his favour for the said

amount. The Parties agreed and then he paid a sum of Rs.2,50,000/- to Ganesh Shankar Bhadani on 16.3.2009. However, he in conspiracy with the present Petitioners registered a sale deed in favour of another and misappropriated his money.

It has been submitted on behalf of the Petitioners that they are not the persons who had negotiated with the Complainant and, therefore, they had no role to pay in the present transaction.

Be that as it may, considering the limited role of the Petitioners, the application is allowed and the Proceeding including the order of cognizance dated 7.12.2010 passed by the Judicial Magistrate, 1st Class, Nawada, in Complaint Case No. 498 of 2010/T.R. No. 2653 of 2010, so far as the Petitioners are concerned, is hereby, set aside.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	