

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7641 of 2011

Arising Out of Complaint Case No. 34(C) Year 2010 District- BUXAR

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Vikash Anand, son of Sudhir Kumar Srivastava, resident of Civil Lines Buxar, P.S. Buxar (Town) Distt. Buxar

.... Petitioner/s

Versus

1. The State Of Bihar
2. Manjar Mashih, son of Metadin Mashih, Manager Simri Centre, Boys Middle School, Nagarpura, P.S. Simri, Distt. Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Das Srivastava, Adv.

For the State : Dr. Indihar Kumar, A.P.P.

For the Opposite Party No. 2 : Mr. D.K. Ojha, Adv.

Mr. Satyapal Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-05-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 29.9.2010 passed by the Sessions Judge, Buxar, in Criminal Revision No. 123 of 2010.

The case of the Complainant is that he had agreed to the proposal of the accused No. 1 to ply the bus for which he was required to pay a certain amount of money. So, the Complainant handed over a Cheque of Rs.5,00,000/- to the Petitioner at the behest of the accused No. 1 and later on, he also executed receipts on revenue stamp that he would return the same within a month. In order to do so, subsequently, he gave a Cheque which was dishonoured so he sent legal notice to the accused No. 1 and filed the present Complaint.

It has rightly been submitted on behalf of the Petitioner that the Complainant has not alleged any complicity of the Petitioner in the entire transaction which was only between co-accused Bijendra Kumar Sinha and himself. Even the Cheque which was handed over to him was at the direction of the accused No. 1 which was not in his name nor was he required to give a receipt as also he did not issue the cheque which stood dishonoured, hence, he should not be put on Trial.

On the other hand, the counsel for the Complainant submits that both the accused persons were related with each other and, therefore, he should be prosecuted.

Having considered the limited role of the Petitioner in the transaction, the application is allowed and the Proceeding including the order dated 29.9.2010 passed by the Sessions Judge, Buxar, in Criminal Revision No. 123 of 2010, so far as the Petitioner is concerned, is hereby, set aside.

The application stands allowed.

(Anjana Prakash, J)

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