

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10126 of 2013

Arising Out of Complaint Case No. 2496C Year- 2011 District- Bettiah

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Branch Manager, Allahabad Bank, Bettiah Branch, Bank Road, P.O. Bettiah, P.S. Bettiah Nagar, Distt. West Champaran, through Senior Manager, Bettiah, Allahabad Bank.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Intsar Ahmad , son of Ahmad Hussain Basbaria, Ward No. 31. P.O. - Bettiah, P.S. - Bettiah Nagar, Distt. - West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.K. Thakur, Adv.

Mr. Prashant Singh, Adv.

For the State : Mr. Ashok Kumar No. 1, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-03-2016

Heard learned counsel for the Petitioner and the State.

Supplementary affidavit filed on behalf of the
Petitioner, be kept on the record.

The Petitioner who is the Branch Manager of Allahabad Bank Branch seeks quashing of the order dated 8.10.2012 passed by the Judicial Magistrate, Bettiah, in Complaint Case No. 2496C of 2011.

It appears that nowhere the name of Branch Manager is mentioned in the Complaint petition in his personal capacity which evidently makes this application without any reasonable cause. Even

in the summons issued in the case, it is found that notices had been issued merely by the designation and not name which shows the non-application of mind of the Magistrate taking cognizance

It is a sound principle of Criminal Law that no case can proceed unless there is personal liability and it cannot proceed on a vicarious liability and, hence, the application stands disposed off with such observations.

(Anjana Prakash, J)

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