

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13579 of 2013

Arising Out of PS.Case No. -2 Year- 2012 Thana -GHANSHYAMPUR District- DARBHANGA

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Awdhesh Kumar Mehta S/O Late Vishwnath Pd. Mehta Resident Of Village- Parsauni, P.S- Bisifi, District- Madhubani.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Amarkant Jha S/O Late Mahindra Jha Resident Of Village- Yadhupatti Tola, Pankipatti, P.S- Ghanshyampur, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-03-2016

The petitioner seeks quashing of the order of cognizance dated 18.12.2012 passed by the Sub-Divisional Judicial Magistrate, Biroul in G.R. Case No. 04 of 2012 arising out of Ghanshyampur P.S. Case No. 02 of 2012.

The case of the informant is that on 20.12.2011 a person came on the motor cycle and told him that he was a Chaprasi of the Civil Court and served a notice and took his signature on a blank paper and also took Rs. 500/- for service. He also gave a visiting card on which a mobile number was mentioned and when he contacted the person on the mobile phone he was asked to bring Rs. 20,000/- so that the case should be patched up. Later on it was found out that the card belonged

to the petitioner so he tried to contact him but was not met and instead another person claiming to be his senior took Rs. 16,000/- from him and thus cheated him.

It has been submitted on behalf of the petitioner that even conceding the allegations no offence whatsoever is made out against them since there is no averment that the petitioner had served the notice upon the informant or taken money from him.

Notices had been issued to the Opposite Party no. 2 but he has chosen not to appear before this Court

Having considered the aforesaid, the application is allowed and the order of cognizance dated 18.12.2012 passed by the Sub-Divisional Judicial Magistrate, Biroul in G.R. Case No. 04 of 2012 arising out of Ghanshyampur P.S. Case No. 02 of 2012, is hereby set aside.

(Anjana Prakash, J)

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