

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44637 of 2010

Arising Out of Complaint Case No.1304 Year 2008 District- PATNA

=====

Awlokiteshwar Mishra, son of late Ganesh Prasad Mishra R/O Mohalla-
Chhajjubagh, T.N. Banerjee Road, Town & Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Krishan Mohan Prasad. Advocate, S/O Late R.N Prasad, Mohalla- Kajipur
Quarter, Road No. 3, Thana- Kadamkuan, Distt- Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Archana Jha, Adv.

For the State : Mrs. Rita Verma, A.P.P.

For the Opposite Party No. 2 : None.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-03-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated
26.11.2010 passed by the Judicial Magistrate, 1st Class, Patna, in
Complaint Case No. 1304 of 2008 (T.R No. 975 of 2010).

The case of the Complainant is that he was an
empanelled Advocate of Bank of India and even though he had
conducted certain cases, he did not receive his full payment.

It appears that the Petitioner at that point in time was a
Law Officer in the Bank and some payments were made to him as per
norms prescribed. If at all, the Complainant was aggrieved with non-
payment, instead of filing Criminal cases, he could have approached

the higher authority for the same.

Having considered that even conceding the allegations in the Complaint petition, no criminal offence would be made out, the application is allowed and the Proceeding including the order dated 26.11.2010 passed by the Judicial Magistrate, 1st Class, Patna, in Complaint Case No. 1304 of 2008 (T.R No. 975 of 2010), is hereby, set aside.

S.Ali/-

(Anjana Prakash, J)

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