

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28208 of 2013

Arising Out of PS.Case No. -1407 Year- 2009 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Dr. Sunil Kumar , son of Sri Bhagwat Prasad, President, Bihar and Jharkhand Motion Picture Association at present residing at 18 Narmada Apartment, Exhibition Road, P.S. Gandhi Maidan, Patna 800001
 2. Anil Kumar Son of Sri Bhagwat Prasad vice President Bihar and Jharkhand Motion Picture Association at present residing at 18 Narmada Apartment Exhibition Road, P.S. Gandhi Maidan, Patna 800001
 3. Amit Kumar Sen son of Late Ashok Kumar Sen, Secretary Bihar and Jharkhand Motion Picture Association at M/s Diana Linitone Pvt. Ltd., Danapur P.S. Danapur District Patna
 4. Ujjawal Kumar s/o Late Badri Prasad Treasurer Bihar and Jharkhand Motion Picture Association at present residing at Narmada Apartment P.S. Gandhi Maidan Exhibition Road, Patna 800001

.... Petitioner/s

Versus

1. The State of Bihar
2. Arbind Kumar Singh s/o Anirudh Singh resident of Mohalla West Lohaniur Parmeshwar Singh Lane near Budh Murti Kadam Kuan P.S. Kadam Kuan District Patna Proprietor of M/s Aarav International Chanakya Cinema Compound Exhibition Road P.S. Gandhi Maidan Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha

For the Opposite Party/s : Mr. Shailendra Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 08-12-2016 Sri Subodh Kumar Jha, learned counsel for the petitioners, in presence of Sri Shailendra Kumar, learned Additional Public Prosecutor, submits that the order of cognizance is liable to be set aside in view of the fact that on perusal of the entire complaint petition no offence is made out . He further submits that after order of cognizance the complainant is not at all taking any interest in the complaint proceeding and



matter is pending since long. However, the court is of the opinion that unless there is apparent error in the order of cognizance it may not be interfered with. Accordingly, the petition stands disposed of with observation that if it is a fact that complainant is not taking any step then the learned court below may pass appropriate order in accordance with law .

It goes without saying that petitioners would be at liberty to take all the pleas which have been in the present petition at appropriate stage before the court below.

The petitions stands disposed of.

(Rakesh Kumar, J)

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