

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2751 of 2015

Arising Out of PS.Case No. -640 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Bhola Rai Son of Late Ramotar Rai Resident of Village - Hazipur, P.O- Pipara,
P.S- Barauni Distt- Begusarai.

.... Petitioner

Versus

1. The State of Bihar
2. Rajeev kumar Son of Shiv Chandra Singh Resident of Village - Gachhi Tola
Ward no.- 30, Behind Sayonara Hotel, P.S- Begusarai Town Distt- Begusarai.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate
For the State : Mr. Anusaiya Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 23-11-2017

Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing on behalf of the State.

2. The petitioner seeks quashing of the cognizance order
dated 12.11.2013, passed by learned Chief Judicial Magistrate,
Begusarai in Complaint Case No.640C of 2013 thereby taking
cognizance of offence under Sections 138 of the N.I. Act.

3. A short fact giving rise to the case is that the
complainant is alleged to have been a sleeping partner of the accused
as such made investment to the tune of Rs.90,33,000/- and on
09.02.2013 after persuasion the petitioner issued cheque of the said
amount in presence of witnesses and when the cheque was presented,
it got bounced due to insufficient fund.

4. Learned counsel for the petitioner submits that in fact



his cheque used by the complainant was robbed by some miscreants in the year 2011 for which he had lodged Barauni (Garhara) P.S. Case No.239 of 2011.

5. However, there is no any description of serial number of the cheque or any detail of the cheque, of which account or of which bank was snatched by the miscreants, it does not find mentioned in the FIR. It is also admitted by the learned counsel for the petitioner that this occurrence is of the year 2011 thereafter no intimation to the concerned bank was given regarding snatching of the cheques or making request to stop payment if those cheques are presented to the bank, so the defence of the petitioner cannot be considered in this matter at this stage.

6. The quashing application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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