

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37624 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- DARBHANGA

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Gyan Prakash Sinha Son Of Late N.C. Sinha Resident Of Village E 2/28, Citadel
Society, B.T. Kawade Road, Police Station - Ghorpadi, Dist. - Pune

.... Petitioner/s

Versus

1. The State Of Bihar
2. Bidhan Chandra Choudhary Son Of Vijay Chandra Choudhary Resident Of
Mohalla - Saikripa, Deladulla, P.S.- L.N. Mithila University Campus, Town & Dist.
- 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 MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 03-04-2017

This application has been filed for quashing the order dated 03-04-2012 passed by the learned Sub Divisional Judicial Magistrate, Darbhanga in C.R. No. 362 of 2012 by which, cognizance under Section-138 of the Negotiable Instrument Act has been taken against the petitioner.

Heard the parties.

It has been submitted on behalf of the petitioner that no notice was ever served on him prior to filing of this case. It has further been submitted that cheque was issued in Pune and, therefore, Darbhanga Civil Court has got no jurisdiction. On the other hand, in reply to the submission made by learned counsel for the petitioner,



learned counsel for opposite party No. 2 has submitted that notice was issued to the petitioner by registered post but neither the service report was received nor the notice was returned. He has further submitted that the cheque was presented in the Bank in Darbhanga where the same was dishonoured and therefore, Darbhanga court has got jurisdiction to entertain the complaint petition. It appears that the cheque amounting to Rs. 3,00,000/- (three lacs) had bounced.

Learned Magistrate has after looking into the complaint petition, the documents annexed with it and the statements of witnesses recorded under Section 202 Cr.P.C., found that prima facie case u/S 138 of N.I. Act is made out against the accused petitioner.

Therefore, it appears that there is no illegality in the impugned order dated 03-04-2012 passed by the learned Sub Divisional Judicial Magistrate, Darbhanga in C.R. No. 362 of 2012.

Accordingly, this application stands dismissed.

Learned court below is directed to proceed in the trial in accordance with law.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

