

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29819 of 2014

Arising Out of PS.Case No. -2947 Year- 2007 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Naveen Kumar, S/o Ram Anup Sharma, R/o Village-Narma, P.S.-Hathauri,
District-Mazaffapur

.... Petitioner

Versus

1. The State of Bihar
2. Ramesh Kumar, S/o Sri Shyam Bihari, R/o village-Narma, P.S.-Hathauri,
District-Muzaffarpur

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 04-07-2017

This application has been filed under Section 482 of the Code of Criminal Procedure praying therein to quash the order dated 21.11.2013 passed by District & Sessions Judge, Muzaffarpur in Criminal Revision No. 201 of 2013 whereunder the order dated 22.05.2013 passed by Judicial Magistrate, 1st Class, Muzaffarpur in Complaint Case No. 2947 of 2007 was upheld and the Criminal Revision of the petitioner was dismissed. The learned Magistrate as per the order dated 22.05.2013 refused to drop the proceeding.

2. Heard the learned counsel for the petitioner and the learned APP for the State.



3. The learned counsel for the petitioner submits that the Opposite Party No. 2 has filed a Money Suit No. 15 of 2010 for realizing the amount, which is also subject matter of the present complaint case. The present complaint case relates to dishonour of cheque and allegation of cheating the complainant.

4. The learned APP for the State, on the other hand, submits that the petitioner is liable to be prosecuted as prima facie case for the offence under Section 138 of the N.I. Act is made out.

5. On perusal of records, it appears that the Opposite Party No. 2 (complainant) had given a cheque of Rs. 1,000,00/- with a condition that the same would be returned within a year. The petitioner issued a cheque for the said amount in favour of the complainant which was dishonoured on account of insufficient money in the account. The complainant after complying the provision of N.I. Act has filed the case. After enquiry, the learned Magistrate found prima facie case for the offence under Section 138 of the N.I. Act and ordered for issuance of summons. The learned Sessions Judge has rightly rejected the revision of the petitioner.

6. In view of the submissions made above, I do not find



any merit in this application. Accordingly, this Criminal
Miscellaneous Application is dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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