

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32276 of 2014

Arising Out of PS.Case No. -332 Year- 2006 Thana -GANDHIMAIDAN District- PATNA

=====

Nilesh Kumar @ Sonu Son of Late Ashok Kumar Barnwal Resident of Nala Road,
Bhawan Alankar, P.S.- Kadamkuan, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Amar Kumar Son of Late Umeshwar Prasad Senior Branch Manager, (BOB)
Bank of Baroda, Resident of Chitragupt Nagar, Kankarbagh, P.S.- Patrakar Nagar,
District- Patna

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Surendra Kishore Thakur, Advocate
For O.P. No.2 (Bank) : Mr. Vivek Prasad, Advocate
Ms. Roona, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT
Date: 25-08-2017

Heard learned counsel for the petitioner as well as learned
counsel for the opposite party no.2.

2. The petitioner seeks quashing of the cognizance order
dated 6.11.2008 passed in Gandhi Maidan P.S. Case No.332 of 2006
and also for quashing the entire criminal proceeding on the ground
that already complaint case relating to the so-called forged drafts
presented in the Bank another Complaint Case No.2900 of 2006 dhas
been filed by M/S J.K. White Cement so two cases for same offence
should not proceed. Learned counsel further submits that earlier other
co-accused had moved this Court against cognizance order passed in



the Complaint Case No.2900 of 2006 raising same issue but the Court disposed of that application directing recourse of section 210 of the Cr.P.C. accordingly the petitioner moved before the trial Court but the petition was rejected for amalgamation.

3. The Court finds that cognizance order passed in this case cannot be set aside merely on ground that a complaint case too filed by M/S J.K. White Cement relating to same occurrence is also pending in another Court. Earlier another co-accused had filed Cr. Misc. No.36581 of 2007 for quashing cognizance order passed in the Complaint case No.2900(C) of 2006 taking same plea as in the present application but it was disposed off by giving direction to move pending petition under Section 210 of Cr.P.C. before the trial court but again on same ground the present quashing application is filed by another accused withholding the order passed on petition filed under Section 210 of Cr.P.C., so finding no merit this application stands dismissed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30-08-2017
Transmission Date	30-08-2017

