

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2446 of 2012

Arising Out of PS.Case No. -342 Year- 2010 District- BEGUSARAI

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1. Binod Kumar Maskara S/O Late Kedar Nath Maskara R/O Mohalla- Marwari Cold Storage Road, Main Chowk, P.S.- Town, District- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. Badri Prasad Sultania S/O Purushotam Lal Sultania R/O Mohalla- Main Chowk, P.S.- Town, District- Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kashyap
Mr. Rakesh Kr. Shrivastava
For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 01-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 27.08.2010 passed by the learned Judicial Magistrate, 1st Class, Begusarai in Complaint Case No. 342 of 2010 whereunder the learned Magistrate finding prima facie case for the offence under Section 138 of the N.I. Act has summoned the petitioner.

2. Heard both sides and perused the record.

3. It appears that the cheque for an amount of Rs. 1,50,000/- given by this petitioner was presented in the Bank on 29.01.2010. The said cheque bounced on account of insufficient fund on 01.02.2010. The Opposite Party No. 2 served legal notice on petitioner on



05.02.2010 through registered post requesting therein to make payment within 15 days. The petitioner did not return the money whereafter, the complainant (O.P. No. 2) filed complaint case on 23.02.2010. The learned Magistrate considering the statement of complainant and his witnesses found prima facie case for the offence under Section 138 of the N.I. Act and summoned the petitioner to face the trial. The defence of the petitioner that the complainant had to deposit the cheque within 15 days cannot be taken into consideration at the time of taking cognizance.

4. In view of the above facts, I do not find any merit in this application. This application is, accordingly, dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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