

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42364 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Tata Teleservices Limited, a Company incorporated under the provisions of The Companies Act, 1956 having its registered office at 10th Floor, Tower 1, Jeevan Bharati, 124, Connaught Circus, New Delhi-110001, and its local office at Maharaja Kameshwar Complex, 2nd Floor, Frazer Road, Patna - 800001, through its authorized signatory Jayanta Kumar Chatterjee, S/O Mr. Pronob Kumar Chatterjee, R/O E-68, Bagha Jatin, Police Station - Patuli, District-South 24, Parganas, Kolkata - Pin -700086

.... Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar, S/O Sri Baleshwar Prasad, resident of near Central Bank Colony (East of Janta Flat), Kankarbagh, Bhutnath Road, P.S.- Agamkuan, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 03-10-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 16.03.2009 passed by the Judicial Magistrate, Patna, in Complaint Case No.680-C of 2008 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner and others for the offence under Section(s) 420 Indian Penal Code.

None appeared on behalf of the petitioner on repeated calls. The counsel for the State has appeared and made argument.

Counsel for the State has submitted that there is no illegality in the impugned order passed by the learned Court below.



Allegation against petitioner is of cheating the Complainant by disconnecting the telephone connection even after making payment of telephone bill.

The Court below after examining the Complainant on Solemn Affirmation and taking statement of one witness during enquiry under Section 202 Cr. P. C. found *prima facie* against the petitioner and others for the offence under Section(s) 420 Indian Penal Code.

The Court below is only required to see *prima facie* case at the time of enquiry under Section 202 Cr. P.C.

After going through the impugned order, this Court does not find any illegality in the same.

Accordingly, the application is dismissed.

The Court below will proceed with trial in accordance with law.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14-10-2017
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