

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11225 of 2014

Arising Out of PS.Case No. -261 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Sanjay Singh Son of Kameshwar Singh Resident of Adityapur - 2, Road No. 10,
P.S.- R.I.T., Jamshedpur, District - Jamshedpur (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Sheo Narayan Singh Son of Late Jagdish Singh Resident of Ward No. 33,
Mohallah - Rajputan, P.S.- Dehri, District - Rohtas (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh
For the Opposite Party/s : Mr. Avanish Kr. Singh
For the State : Mr. Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 18-07-2017

1. This is an application under Section 482 of the Cr.P.C. for quashing of the order dated 13.11.2013 passed by learned Judicial Magistrate, 1st Class, Dehri, Rohtas in Complaint Case no. 261(C) of 2013 whereunder the Magistrate finding *prima facie* case for the offence under Section 138 of the N.I. Act, ordered for issuance of summons.

2. Heard learned counsels for the petitioner, O.P. no. 2 and APP for the State.

3. The O.P. no. 2 filed a complaint case on the file of S.D.J.M. Dehri alleging inter alia that he supplied coal to the petitioner for which the petitioner gave a cheque for an amount of Rs. 7 lacs towards the dues payable to the complainant. The complainant produced the said cheque in Bank on 17.07.2013 which was



dishonoured by the Bank on account of insufficient fund. The complainant gave legal notice on 23.07.2013 which was replied by the counsel of the petitioner on 12.08.2013 denying the liability of payment. Thereafter, complaint petition was filed and after inquiry, the court below ordered for issuance of summons.

4. On perusal of complaint petition, impugned order and annexures available on records, I find that the complainant gave legal notice to the petitioner on 23.07.2013. The said notice was sent through registered post which was served upon the petitioner on 27.07.2013 which is apparent from Annexure-B of the supplementary counter affidavit filed by the O.P. no. 2. The complainant filed the complaint case on 22.08.2013 after adopting all the formalities prescribed in N.I. Act. The court below has rightly summoned the petitioner to face the trial for the offence under Section 138 of the N.I. Act.

5. As such, I do not find any illegality in the impugned order amounting to abuse of the process of court for interference in inherent jurisdiction under Section 482 of the Cr.P.C. Accordingly, this application is dismissed.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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