

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25627 of 2014

Arising Out of PS.Case No. -1810 Year- 2010 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Satbir Singh
2. Kuldeep Singh S/o Late Yogendra Singh
3. Smt. Manjeet Kaur W/o Sri Kuldeep Singh
4. Smt. Ginni Kaur W/o Sri Satbit Singh
All Resident of Mohalla Sanjay Cinema Road in front of Secondary School, Police
Station Brahampura, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shiv Dayal Rai S/o Late Hardeo Rai Resident of Village Kalyanpur, Post Office
Nonimal, Police Station Rajepur, District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar
Mr. Pradhan Murli Manohar Prasad
For the Informant : Mr. Pankaj Kumar Singh
For the State : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 04-07-2017

This is an application under Section 482 of the Code of Criminal Procedure wherein the petitioners have prayed to quash the order dated 07.04.2014 passed by Sessions Judge, Muzaffarpur in Criminal Revision No. 44 of 2014. The said criminal revision was filed to set aside the order dated 27.01.2014 whereunder the Magistrate refused to discharge the petitioners in connection with Complaint Case No. 1810 (C) of 2010.

2. Heard the learned counsel for the petitioners, learned



counsel for the informant and the learned APP for the State.

3. The Opposite Party No. 2 filed a complaint case against the petitioners for the offence under Sections 420, 406 and 120-B of the Indian Penal Code. The cheque given by the petitioners to the complainant (Opposite Party No. 2) was presented in the Bank which was dishonoured on account of insufficient fund. The complainant after complying the provisions of N.I.Act filed a complaint case in which the court below took cognizance. At the time of framing of charge, the petitioners filed a petition under Section 245 Cr.P.C. praying therein to discharge them. The Magistrate after hearing both sides rejected the said petition. Thereafter, the petitioners filed Criminal Revision No. 44 of 2014 which after hearing was dismissed on 07.04.2014.

4. The learned counsel for the petitioners submits that the petitioners are ready to pay the actual amount of Rs. 2,50,000/- without prejudice to the Opposite Party No. 2 in different installments to be fixed by the court below. The learned counsel for the O.P. No. 2, however, submits that if the amount is paid in one lumpsum, he has no objection to settle the dispute. The learned Sessions Judge after perusing the evidence on record has rightly held that there were sufficient materials against the petitioners to



frame charge and proceed against the petitioners.

5. Thus, I find that this criminal miscellaneous application is devoid of merit and is accordingly, dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2017
Transmission Date	07.07.2017

