

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30248 of 2014

Arising Out of PS.Case No. -192 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Dukhi Sah Son of Ram Roop Sah
2. Sheo Shankar Sah Son of Dukhi Sah
3. Om Prakash Sah Son of Dukhi Sah
4. Ranju Kumari Daughter of Dukhi Sah
5. Durgawati Devi Wife of Shiv Shankar Sah
All residents of Village - Suratganj, Ward No. 15, P.S. - Town, District -
Madhubani.

.... Petitioners

Versus

1. The State of Bihar
2. Sunil Kumar Purney Son of Late Bishwanath Purvey R/o- J.P. Colony, Ward No.
14, Police Station - Town, District - Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 07-07-2017

This is an application under Section 482 Cr.P.C. whereunder the petitioners have prayed to quash the order dated 27.05.2014 passed by Sessions Judge, Madhubani in Criminal Revision No. 546 of 2013 and also the order dated 01.07.2013 passed by Sri N.K. Srivastava, learned Judicial Magistrate, 1st class, Madhubani in Complaint Case No. 192 of 2013 whereunder the learned Magistrate finding prima facie case for the offence under Section 406, 323, 504/34 I.P.C. against all the petitioners and offence under Section 138 of N.I.Act against the petitioner No. 2



ordered for issuance of summons.

2. Heard both sides.

3. The petitioners and the complainant (O.P. No. 2) were running business under their partnership agreement. After accounting a cheque for an amount of Rs. 25 lacs belonging to the share of three partners were given to the complainant by petitioner Sheo Shankar Sah. The complainant deposited the said cheque in his account on 04.02.2013 which bounced. The complainant gave a legal notice to Sheo Shankar Sah on 06.02.2013. Whereafter, on 20.02.2013, all the petitioners along with unknown entered into the house of the complainant. They brutally assaulted and demanded the said cheque. After arrival of local people, the accused persons escaped from his house.

4. On perusal of the impugned order and annexures enclosed with this application, I find that at the time of enquiry, the complainant on S.A. and two more witnesses have supported the allegation. The learned Magistrate finding prima facie case ordered for issuance of summons as stated above. The petitioners, thereafter filed Criminal Revision No. 546 of 2013 before Sessions Judge, Madhubani, who after going through the entire facts found no



illegality in the impugned order and dismissed the revision. The order of Sessions Judge is self speaking and well discussed.

5. In view of above facts, I do not find any merit in this application. Accordingly, this Criminal Miscellaneous Application is dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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