

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43009 of 2013

Arising Out of PS.Case No. -1 Year- 2012 Thana -PATNA COMPLAINT CASE District- PATNA
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1. Mr. Mukund Mohan Son Of Sri Narendra Kumar Verma Resident Of
Village- Basantpur, Police Station- Basantpur, District- Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. Manoj Kumar Sinha Son Of Late Mithilesh Kumar Sinha Sinha Sadan
Naya Tola, Near Dharhara Kothi, P.S. Kadam Kuan, District- Patna

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Raghwendra Kumar

For the Opposite Party/s : Mr. Rita Verma (App)
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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

13 22-06-2017 This application has been filed for quashing the

order dated 22.02.2012 whereby cognizance has been taken under

Sections 406 and 418 of the Indian Penal Code by the learned

Railway Judicial Magistrate, Patna, in compliant Case No. 1C of

2012 wherein the petitioner is one of the accused.

Learned counsel for the petitioner submits that as
per para 4 of the complaint petition, Rs. 1,75,000/- and Rs.
1,00,000/- was paid to accused no.2- Alok Kumar and not to the
petitioner. Moreover, rest amount of Rs. 2,12,500/- has already
been returned by the petitioner to the complainant. Further
submission is that the learned Railway Judicial Magistrate has no
jurisdiction to take cognizance in the matter because no



transaction has been made on Patna Junction. Secondly another co-accused, namely, Alok Kumar, had filed a petition for setting aside the order of cognizance, which was allowed by this Court vide order dated 18.08.2015 passed in Cr. Misc. No. 2449 of 2013.

On perusal of the complaint and record I find that one part of the occurrence i.e. the proposal was given by the petitioner for purchasing his flat at the Railway Junction, Patna. The said flat was allotted in his name by Gaziabad Development Authority. In para 4 of the complaint it is mentioned that Rs. 1,75,000/- was paid to accused nos. 1 and 2 as advance consideration money is only paid to the owner of the flat and not to others.

This Court interfered with the order of cognizance against Alok Kumar considering the fact that he has no concern with the flat.

The allegation against the present petitioner is specific that he is the allottee of the house of Gaziabad Development Authority who proposed complainant to purchase the said flat and has also taken some money in advance paid by cheque in his name. Rs. One lac was given to him by cheque, which is a bearer cheque, and part of the occurrence giving proposal to buy the flat was committed within the jurisdiction of



Patna Railway Junction, so in view of Sections 177 and 178 Cr.P.C., any court wherein part of occurrence is committed has jurisdiction to try the offence committed within that jurisdiction. The case of the petitioner stands on different footing to that of Alok Kumar, so I do not find any ground to interfere with the impugned order.

Accordingly, this application is dismissed.

(Arun Kumar, J)

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