

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30970 of 2014

Arising Out of PS.Case No. -2385 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Sunita Devi

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ranjeet Kumar Sinha, Advocate

For the State : Mr. Pranav Kumar, (A.P.P.)

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 16-08-2017 Learned counsel for the petitioner submits that the cheque dated 04.04.2015 which formed the basis of the complaint, was actually misused by the complainant for lodging this case against her. He submits that the complainant in fact, is an employee and he has taken advantage of the cheque for implicating her in this false case. In support of his said contention he relies upon the statement made on solemn affirmation by the complainant before court below, contained in annexure-5 series.

 In his submission, learned counsel points out that in his statement under solemn affirmation, has stated that the cheque was filed up by the accused, however, from perusal of the cheque, photo copy of which has been enclosed, it is quite apparent that the complainant filled up the cheque in his own hand writing.



Such factual denials and defense of the accused cannot be examined by this court in exercise of jurisdiction of its power under Section 482 of the Cr.P.C. However, it will be open for the petitioner to raise the issue at the appropriate stage during the course of the trial before the court below which would consider the aforesaid submissions and looked into the veracity of the allegations, without being prejudiced by dismissal of the allegations, without case.

In view of the aforesaid observation, this application is dismissed.

(Madhuresh Prasad, J)

khushbu/-

U		T	
---	--	---	--

