

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29998 of 2014

Arising Out of PS.Case No. -30 Year- 2007 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Vikram Kumar Khandelwal @ Vikram Kumar @ Kr. Vikram Kr. aged about 35
years S/o Late Nand Lal Sah Resident of Naya Tola Bhikhampur, P.S. Ishachak,
District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ajeet Kumar Sah S/o Gopal Lal Sah Resident of Bhikhampur, S.S. Sahay Road,
P.S.- Ishachak, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Kishore Prasad
Mr. Ratan Kumar Sinha
Mr. P.C. Chaudhary
For the Opposite Party/s : Mr. Gulnar Begum (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT
Date: 07-07-2017

1. Heard both sides.
2. This is an application under Section 482 of the Cr.P.C. wherein
the petitioner has prayed for quashing the order dated 18.02.2008
passed by Sri D.K. Jaiswal, Judicial Magistrate, 1st Class, Bhagalpur
in Complaint Case no. 30 of 2007. The Magistrate finding *prima*
facie case for the offence under Section 138 of the N.I. Act, ordered
for issuance of summons.
3. The allegation against the petitioner is that the he took a loan of
Rs. 72,565 from the O.P. no. 2 (complainant). On demand, the
petitioner gave him a cheque bearing no. 939673 dated 06.06.2006



towards full satisfaction of the loan amount. The complainant presented the said cheque in Bank which was dishonored on account of insufficient amount in the account of the petitioner. The complainant after serving of notice on 14.12.2006 filed this complaint case.

4. The contention of the petitioner is that after giving cheque to the complainant, this petitioner gave him the entire amount in cash on the undertaking of the complainant that he would return the cheque. The complainant on S.A. and his witnesses at the time of inquiry have supported the allegation and the learned Magistrate finding prima facie case for the offence under Section 138 of N.I. Act, has rightly ordered for issuance of summons against the petitioner.

5. In view of the above facts and circumstances, I do not find any illegality in the orders taking cognizance in question. Accordingly, the Cr. Misc. application is dismissed.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
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