

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16636 of 2014

Arising Out of PS.Case No. -611 Year- 2009 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Ajay Sharma @ Ajay Kumar Sharma, son of Kunj Bihari Sharma, residing in
mohalla- Lodipur Mirchaiya Mandir, P.S.- Budha Colony, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Uma Shankar Prasad, son of late Faguni Sao, residing in Ragunandan Lok
Apartment Flat No.-202, Kadamkuan, P.S.- Kadamkuan, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 10-07-2017

1. This quashing application has been filed for quashing the revisional order dated 24.03.2014 passed in Cr. Revision No.921 of 2010 by the Additional Sessions Judge, VII, Patna, including the order dated 05.05.2010 passed by Sushri Kalpana Shrivastava, Judicial Magistrate, 1st class, Patna, in Complaint Case No.611-C of 2009, by which she has found *prima facie* case against the petitioner for the offence under Section(s) 406 Indian Penal Code and Section 138 of the Negotiable Instruments Act after holding enquiry under Section 202 Cr. P. C.

2. Earlier, matter was sent to National Lok Adalat but the matter was again referred back to the Bench on the request of the



learned counsel for the petitioner. The case was fixed on 23.06.2017 and on request was adjourned for today.

3. Today, none appears either on behalf of the petitioner or on behalf of the Opposite Party No.2.

4. From perusal of the revisional order dated 24.03.2014 as well as order dated 05.05.2010 passed by the learned Magistrate by which *prima facie* case was found against the petitioner under Section 406 Indian Penal Code and Section 138 of the Negotiable Instruments Act, it appears that the instant quashing application has been filed under the garb of second revision.

5. This Court does not find any illegality in the revisional order dated 24.03.2014 as well as order dated 05.05.2010 passed by the learned Magistrate.

6. Therefore, this Court does not find any justifiable reason to quash the impugned orders.

7. This application is, accordingly, dismissed.

8. The Court below will proceed in trial in accordance with law.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14-07-2017
Transmission Date	14-07-2017

