

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11419 of 2014

Arising Out of PS.Case No. -453 Year- 2006 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Sanjay Kumar Son of Baiju Prasad Jaysawal Resident of Village+P.O.-Natwar,
P.S.-Natwar, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jagdayal Singh Son of Late Ram Nagina Singh Resident of Village+P.O.+P.S.-
Natwar, District-Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Pd. Singh
For the State : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 21-07-2017

This application under Section 482 of the Cr.P.C. has been filed to quash the order dated 07.02.2014 passed by the learned Judicial Magistrate, 1st Class, Bikramganj, District-Rohtas in Complaint Case no. 453 of 2006 , Trial no. 648 of 2013 whereunder the prayer of this petitioner filed under Section 245 of the Cr.P.C. was dismissed.

2. Heard both sides and perused the order.

3. It has been submitted that after filing of the complaint case, the petitioner returned the loan amount of Rs. 1 lacs to the complainant for which the complainant had executed a document on 02.02.2008. After return of money, the prosecution of the petitioner would amount to abuse of process of the Court and so the order refusing to discharge the petitioner is fit to be quashed.

4. The learned counsel for the O.P. no. 2 has opposed the



submissions. A counter affidavit has been filed on his behalf also.

5. On perusal of the complaint petition and its annexures, I find that the complainant on S.A. and other witnesses examined at the time of inquiry have supported the allegation as made in the complaint petition. The learned Magistrate on being satisfied with the materials on record, ordered for issuance of summons for facing trial for the offence under Sections 406 and 420 of the IPC and 138 of the N.I. Act. The learned Magistrate after hearing both sides and considering the material on record has rightly refused to discharge him for the offence committed by him.

6. In view of the above facts, I find that this Cr. Misc. application is devoid of merit and is accordingly, dismissed.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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