

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22258 of 2013

Arising Out of PS.Case No. -1147 Year- 2010 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Sanjay Kumar Kesari @ Mantu Son of Vijay Kesari Resident of Village/Mohalla
Adarsh Colony Bolia Road Sasara, Police Station Sasaram, District Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Yogesh Kumar Gupta Son of Late Damari Sah C/o Balajee Khad Bhandar,
Resident of Village/Mohalla Near Mico G.T. Road, Sasaram, Police Station
Sasaram (Town), District Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Singh

For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 11-07-2017

1. This is an application under Section 482 of Cr.P.C. praying therein to quash the order dated 3.11.2010 passed by the Judicial Magistrate, 1st Class, Sasaram in Complaint Case no. 1147 of 2010.
2. Heard Sri Sandip Singh, learned counsel for the petitioner and Mr. Humayu Ahmad Khan, APP for the State.
3. The petitioner admittedly issued four cheques for an amount of Rs. 60,000/- total being 2,40,000/- on different date which were deposited in the Bank but on account of insufficient fund the Bank did not honour. It has been further alleged that on 25.08.2010 when the complainant demanded money in presence of witnesses, this petitioner along with four or five unknown threatened the complainant and



asked him to forget the money. They abused and assaulted the complainant and also snatched an amount of Rs. 15,000/- and gold chain from his possession. The complainant after giving registered notice and complying the provisions of N.I. Act has filed the complaint case for the offence under Section 323, 406, 420, 379 and 504/34 of the IPC and Section 138 of the N.I. Act. The complainant and his witnesses, in course of inquiry have supported the allegation of cheating and committing breach of trust by retaining the amount which was given to the petitioner for his business. The learned Magistrate finding prima facie case for the offence under Sections 406 and 420 of the I.P.C., ordered for issuance of summons. The order is based on materials on record and I do not find any illegality requiring any interference.

4. In view of the discussions made above, I do not find any merit in the Cr. Misc. application. As such, the Cr. Misc. application is dismissed.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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