

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32197 of 2013

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Surendra Kumar Singh Son Of Bindeshwari Singh Resident Of Village -
Begediha, P.S.- Guraru And District - Gaya (Bihar)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Krishnadev Pandey, son of late Nand Kishore Pandey, resident of
Mohalla-Block Colony, Aurangabad, P.O.+P.S.+District-Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Adv.
Mr. Vyas Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Sunil Kr. Pandey (App)
For the informant : Mr. Rajendra Singh, Adv.
Malti Kumari, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER**

12 17-11-2017 Heard learned counsel for the petitioner, State and the
counsel appearing on behalf of the opposite parties.

From the pleadings and submissions of the parties, it
appears that with regard to the transaction between the parties,
two cases are pending before the Judicial Magistrate in the
judgeship of Aurangabad.

From the pleadings, it also appears that cases of both
side in the respective complaint case and police case bearing
Complaint Case No. 619 of 2011 and Aurangabad(T) P.S. case
No. 13 of 2011 the parties are same and these issues relate to
payment of advance in connection with certain transaction and the



issue of dishonour of the cheque and the pleading of the parties is that the cheque was issued in connection with commercial transaction whereas counter version is with regard to payment of advance in connection with other transaction.

Considering the totality of the facts situation when parties are claiming issuance of cheque dishonored on account of commercial transaction, it would be appropriate to direct the District and Sessions Judge, Aurangabad to consider the desirability of the disposal of the both the complaint case and police case by the same Magistrate as both the cases are triable by the Magistrate on being tagged together the trial court is directed to dispose of the both the cases i.e. Complaint Case No. 619 of 2011 and Trial No. 2418 of 2013 arising out of Aurangabad(T) P.S. Case No. 13 of 2011 expeditiously preferably within six months.

With the aforesaid, the application stands disposed of.

(Anil Kumar Upadhyay, J)

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