

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.16626 of 2014**

Arising Out of PS.Case No. -53 Year- 2002 Thana -BARAUNI District- BEGUSARAI

- =====
1. Ramesh Singh, son of late Ram Saran Singh, resident of Mohalla Dinkar Nagar, Professor Colony, Begusarai, P.S. Town, District Begusarai,
  2. Parmanand Singh, son of late Ram Saran Singh, resident of village- Nagdah Sun Flower School, P.S. Mufasil, District Begusarai.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Suresh Kumar Ramani, son of Bano Ram, resident of Quarter No. D2/F-72, Refinery Township, P.S. Town, District Begusarai.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Ajay Thakur, Advocate  
Mr. Nilesh Kumar, Advocate  
Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL JUDGMENT**

**Date: 28-06-2017**

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 11.01.2013 passed by the Chief Judicial Magistrate, Begusarai, in Barauni Refinery P.S. Case No.53 of 2002 by which the learned Magistrate has taken cognizance against the petitioners under Section(s) 419, 420, 406/34 Indian Penal Code.

2. It has been submitted on behalf of the petitioners that initially charge-sheet was not submitted against these petitioners. The police after further investigation submitted charge-sheet against these petitioners without any proper material and



evidence. The learned Court below in a mechanical manner on the basis of the charge-sheet submitted by the police took cognizance against these petitioners for the offence under Section(s) 419, 420, 406/34 Indian Penal Code.

3. Counsel for the petitioners has further submitted that for the same cause of action Title Suit No.1566 of 2001 was filed by agnate of the Informant-Opposite Party No.2 in City Civil Court, Kolkata, in which the petitioners were not parties/defendants. Subsequently, Subrata Kunda Choudhary, one of the co-accused, issued a cheque in lieu of share in favour of S. K. Mallick. The cheque was presented in bank and the same was dishonoured and thereafter, S. K. Mallick lodged a case against Subrata Kunda Choudary, being CR Case No.P-305/2001 dated 16.02.2001, before the Sub-Divisional Judicial Magistrate, Serampur, Hugli, making accusation under Section(s) 406 and 420 Indian Penal Code.

4. This Court is of the view that these are the good grounds for the petitioners to place before the learned Court below at the time of framing of Charge, which shall be considered by the learned Court below in accordance with law.

5. This Court, at this stage, does not find any apparent illegality in the impugned order of taking cognizance.



6. This application is, accordingly, disposed off with the aforesaid observations.

(Sanjay Priya, J)

*J.Alam/-*

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

