

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18822 of 2014

Arising Out of PS.Case No. -864 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Chandrabhan Singh @ Vishal Singh @ Vishal Raj Son of Gurucharan Singh
2. Binod Singh @ Pintu Son of Gurucharan Singh
3. Gurucharan Singh Son of Late Bhagwan Singh All resident of village- Ekderwa,
Police Station- Thawe, District- Gopalganj.

.... Petitioners

Versus

1. The State of Bihar
2. Mansoor Alam Son of Jamil Ahmad Resident of Village- Jagmalwa, Police
Station- Thawe, District- Gopalganj.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 20-06-2017

This quashing petition is filed against the cognizance order dated 7.9.2013 in Complaint Case No.864 of 2013 passed by Judicial Magistrate, 1st Class, Gopalganj whereby cognizance has been taken under Sections 420, 504 and 323/34 of the Indian Penal Code.

2. Learned counsel appearing on behalf of the petitioners at the very outset submits that the said cognizance order was barred by limitation. Second submission is that there is contradiction in the statement of Enquiry Witness over the quantum of money taken by the accused persons and Enquiry Witness No.3 does not mention the date on which the said offence was committed.



Moreover, the complaint was filed after inordinate delay of many year.

3. Learned counsel appearing on behalf of opposite party no.2 submits that the petitioner asked the complainant to deposit Rs.2,50,000/- and took Rs.30,000/- as commission for sanction of Rupees Ten Lacs for construction of market in his plot from ICICI Bank but loan was not sanctioned. The complainant asked the petitioners to return back his money then he issued a cheque of Rupees ten thousand but it bounced due to inadequate fund in the account.

4. Having considered the rival submission and on perusal of record, I find that the contents of allegation made in the complaint as well as statements of enquiry witness do make out a prima facie case under Section 420 of I.P.C. The prescribed punishment for offence under Section 420 of I.P.C. is seven years so provision of limitation under Section 468 Cr.P.C. is not attracted in this case.

5. Accordingly, for aforesaid reason, this quashing petition is dismissed.

(Arun Kumar, J)

N.H./-

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