

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43453 of 2013

Arising Out of PS.Case No. -2500 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Ramesh Kumar Deepu Son Of Madan Kishore Prasad Resident Of Village -
Juran Chhapra Road No. 4, P.S.- Brahmpura, District - Muzaffarpur
..... Petitioner

Versus

1. The State Of Bihar
2. Neeraj Kumar Singh Son Of Subodh Kumar Singh Resident Of Village -
Kodaria, P.S.- Siwaipatti, District - Muzaffarpur
..... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma
For the Opposite Party/s : Mr. Matloob Rab, APP-34
For the O.P. No. 2 : Mr. Ganesh Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 07-04-2017 Heard learned counsel for the petitioner, learned

counsel representing the State and learned counsel for the opposite

party no. 2.

This application has been filed for quashing the

order dated 03.05.2013 passed by Smt. Mausami Singh, J. M. Ist

Class, Muzaffarpur in Complaint Case No. 2500 of 2012 whereby

and whereunder cognizance has been taken against the petitioner

for the offence under Sections 138 of the Negotiable Instrument

Act.

Perused the complaint petition, statement of

complainant on solemn affirmation and statement of inquiry

witnesses.



Admittedly, the petitioner has given cheque of Rs. 3 lakhs to the complainant which was dishonoured. During inquiry four witnesses have been examined and they have supported the case of the complainant. Learned Magistrate after perusal of the complaint petition, S. A. of the complainant and statement of inquiry witnesses has rightly come to the conclusion that prima facie offence under Section 138 of N. I. Act is made out against the petitioner and has rightly summoned him.

It is submitted on behalf of O. P. No. 2 that the stage of the case has been changed and now the trial is going on.

In the result, finding no merit in this application the same is hereby dismissed.

(Jitendra Mohan Sharma, J)

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