

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2374 of 2016

Arising Out of PS.Case No. -108 Year- 2012 Thana -KANTI District- MUZAFFARPUR

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Jitendra Kumar, son of Sri Surendra Rai, resident of Village- Shivrahan, P.S.-
Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajesh Kumar Singh, son of Kailash Prasad, resident of Village- Shivrahan
Chaturbhuj, P.S.- Ahiyapur, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate

For the Opposite Party/s: Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 13-09-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 20.11.2015 passed by the Sub-Divisional Judicial Magistrate, in Kanti P.S. Case No.108 of 2012 by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section(s) 406, 420 of Indian Penal Code and Section 138 of N.I. Act.

From the impugned order itself, it appears that petitioner is absconding in the Court below. Police has submitted charge-sheet showing the petitioner as absconder.



Counsel for the petitioner submits that there is case and counter case between the parties. Counter case has been filed by the petitioner against the informant. The informant has misappropriated money of the petitioner.

In the written report, there is allegation against this petitioner that he took money from the informant to sell the land but did not execute the sale deed. It is alleged that cheque was issued by the informant to the petitioner and money was also paid in cash by the informant to the petitioner. When the informant made request to return money, he refused to do so.

The police after investigation has submitted charge-sheet against the petitioner showing this petitioner as absconder.

The petitioner has not appeared in the Court below till date and he has been declared absconder by the Court below.

Therefore, this Court is not inclined to interfere with the impugned order passed by the learned court below.

This application is, accordingly, **dismissed**.

The Court below will proceed with the case in accordance with law.

In the event petitioner surrenders and prays for regular bail, the Court below will consider and dispose off the same in accordance with law on its own merit without being prejudiced by



this order.

J.Alam/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15-09-2018
Transmission Date	15-09-2018

