

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19438 of 2016

Arising Out of PS.Case No. -252 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Rathindra Nath Basu, @ Rathindra Basu S/o Late Moni Lal Basu, Managing
Director, ALSTOM T & D India Ltd. (Formerly known as ARIVA T & D India
Limited) DLF- 8B floor, Tower -C, New Town, Kolkata- 700156, West Bengal

.... Petitioner

Versus

1. The State of Bihar
2. Md. Loqman, S/O Late Md. Majid, M/S MS Construction R/O Chakballi, P.S:
Barauni, District- Begusarai, Bihar.

.... Opposite Parties

With

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Criminal Miscellaneous No. 20446 of 2016

Arising Out of PS.Case No. -252 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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G.S. Thakur @ Ganesh Shankar Thakur S/o Upendra Nath Thakur, aged about 40
years ALSTOM T & D India Ltd (Formerly known as ARIVA T & D India Ltd.)
At: DLF-8 B Floor, Tower C, New Town, Kolkata- 700156, West Bengal.

.... Petitioner

Versus

1. The State of Bihar
2. Md. Loqman, S/o Late MD Majid , M/s MS Construction R/o Chakballi, P.S.-
Barauni, District: Begusarai, Bihar.

.... Opposite Parties

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Appearance :

(In Cr.Misc. No.19438 of 2016)

For the Petitioner/s : Mrs. Pallavi Trivedi, Advocate
Mr. Dayanand Singh, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

(In Cr.Misc. No.20446 of 2016)



For the Petitioner/s : Mrs. Pallavi Trivedi, Advocate
Mr. Dayanand Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 06-03-2018

By these applications preferred under Section 482 of the Code of Criminal Procedure, the respective petitioners have prayed for quashing of the order dated 13.08.2012 passed by the learned Judicial Magistrate-1st Class, Begusarai by which he has summoned the petitioners to face prosecution in Complaint Case No.252(C) of 2012 in exercise of power conferred under Section 204 of the Code of Criminal Procedure (for short 'Cr. P.C.') after finding a prima facie case to be made out under Sections 403, 417 and 323 of the Indian Penal Code.

2. From perusal of the impugned order, it would be manifest that the statement of the complainant was recorded on oath under Section 200 of the Cr. P.C. and, apart from the complainant,, three other witnesses namely, Md. Israil, Md. Ismaile and Md. Ibrahim had made their statements in course of inquiry conducted under Section 202 of the Cr. P.C. Neither the statement of the complainant nor the statements of the witnesses examined in course of inquiry has been brought on record. In absence of those



materials, it is not possible to appreciate the submissions made on behalf of the petitioners, as the learned Magistrate summoned the petitioners not only on the basis of complaint but also the statements of complainant and witnesses.

3. In that view of the matter, these applications are disposed of with liberty to the petitioners to file another application in the same subject matter after bringing on record the aforestated statements.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	10.03.2018
Transmission Date	10.03.2018

