

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

**Criminal Miscellaneous No.22955 of 2011**

Arising Out of PS.Case No. -0 Year- null Thana -null District- JAMUI

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Satya Narain Sinha, son of late Surja Prasad Sinha, resident of c/o Sri Ashok Kumar Singh, Bombay Colony, Jamui, District-Jamui, working as Branch Manager, Union Bank of India, Jamui.

.... .... Petitioner/s

Versus

1. The State of Bihar &
2. Sachidanand Yadav, son of Sri Tulsi Yadav, presently resident of Sirchand Nawada, Ward No.8, Jamui, District-Jamui.

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

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**Appearance :**

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate with  
Mr. Umesh Kumar Roy, Advocate  
Mr. Anant Kumar Sinha, Advocate  
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP  
Mr. Prabhat Ranjan Singh, Advocate

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

**ORAL JUDGMENT**

**Date: 13-02-2018**

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 25.05.2011 passed by the Judicial Magistrate, Jamui, in Complaint Case No.1125-C of 2010 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner and others for the offence under Section(s) 420, 120-B, 341, 504, 468 Indian Penal Code.

2. Counsel for the petitioner has submitted that petitioner is Branch Manager of the Union Bank of India, who had sent two bearer cheques issued in the name of the Opposite Party



No.2 for collection to the collecting Bank i.e. UCO Bank and the cheques were not honoured with endorsement that drawer has stopped payment. The petitioner has no role in dishonouring the cheques of the Complainant. Counsel for the petitioner has further submitted that the Complainant for the same cause of action also filed case before the District Consumer Forum, Jamui, vide Complaint Case No.24 of 2010 (Annexure-5) prior to lodging of the instant case.

3. Counsel for the Opposite Party No.2 has appeared and submitted that cheques were illegally dishonoured by the bank.

4. In the complaint, allegation has been made by the Complainant that two cheques for Rs.49,000/- each issued in his name by Ravindra Kumar was deposited in his account in Union Bank of India of which the petitioner was Branch Manager. Both cheques were not honoured and when the Complainant enquired from this petitioner, he said that instruction has been given by the drawer of the cheques to stop payment and, therefore, drawee bank has not honoured the cheques and cheque returned memo has been received with endorsement “stop payment by the party”.

5. Counsel for the petitioner has enclosed cheque return memo issued by the drawee bank as Annexure-5 series at page 29 of the brief. The Complainant has also enclosed two cheques issued in favour of the petitioner, which were sent for collection by



the collecting bank at running page 30 and 31 of the brief (Annexure-5 series).

6. In the facts and circumstances of the case, this Court finds that the petitioner has no role in intentionally dishonouring the cheques of the Complainant. Branch Manager-petitioner had sent both the cheques for collection by the drawee and the same was not honoured by the drawee bank with endorsement that drawer has sent instructions to stop payment.

7. Therefore, no offence under Section(s) 420, 120-B, 341, 504, 468 Indian Penal Code is made out against this petitioner.

8. Accordingly, impugned order dated 25.05.2011 passed by the Judicial Magistrate, Jamui, in Complaint Case No.1125-C of 2010 along with entire criminal proceeding with regard to the petitioner is hereby quashed.

9. This application is, accordingly, **allowed**.

10. The Trial Court will proceed with the case in accordance with law with regard to other accused.

(Sanjay Priya, J)

*J.Alam/-*

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