

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41120 of 2013

Arising Out of PS. Case No.-28 Year-2012 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Raj Kumar Gupta Son Of Sri Babu Lal Gupta Resident Of 54/4 Om Bhawan, Strand Road, Posta Bazar, P.S. - Bara Bazar, Kolkata, District - Kolkata, West Bengal
 2. Harish Kumar Gupta Son Of Late Shyam Sunder Gupta Resident Of 54/4 Om Bhawan, Strand Road, Posta Bazar, P.S. - Bara Bazar, Kolkata, District - Kolkata, West Bengal
 3. Vikash Kumar Gupta Son Of Prem Chand Gupta Resident Of 54/4 Om Bhawan, Strand Road, Posta Bazar, P.S. - Bara Bazar, Kolkata, District - Kolkata, West Bengal
 4. Deepak Singh Son Of Sri Narendra Bahadur Singh Resident Of 13Q, Anik Road, Ulta Danga, P.S. - Ulta Danga, Kolkata-67 (West Bengal)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Surendra Prasad Son Of Late Ramchandra Sah Resident Of Salempur, Gola Road, Dalpatti, Barh, P.S. - Barh, District - Patna, Partner - Proprietor M/S. M.J. Enterprises, Dal Mills, Salempur, Gola Road, Dalpatti, Barh, P.S. - Barh, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Advocate
For the Opposite Party/s	:	Mr. Surendra Kumar Singh Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 05-04-2018

This application has been filed under Section 482 of the Code of Criminal Procedure for quashing the order dated 11.04. 2013 in complaint case no. 28 (c)of 2013 by which cognizance for the offence under sections 420 of the I.P.C. has been taken against the petitioners.

Heard learned counsel for the petitioners , learned



counsel for the complainant and learned APP for the State.

After hearing learned counsel for the parties, this Court finds that there are disputed question of facts involved in this case which can only be properly adjudicated during trial. These facts cannot be adjudicated in a quashing application filed under Section 482 Cr. P.C.

In such circumstances, this Cr. Misc. petition is dismissed with liberty to the petitioners to raise all the points as raised in this petition either at the time of framing of charge or at the subsequent stage of trial which shall be considered by the learned Court below in accordance with law.

The interim order passed by a co-ordinate Bench of this Court on 16.10.2014 stands vacated.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.4.2018
Transmission Date	13.4.2018

