

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32348 of 2015

Arising Out of PS. Case No.-23 Year-2010 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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N.G. Raju @ N.G. Rajoo, Trustee Shri Krishna Grevraya Education Trust,
Royal Colony Banglore Palace, P.S. + P.O. Bangluru, Karnataka-560052.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ganesh Prasad S/o Devan Prasad Resident of Village + P.O. Samtnagar, P.S. Bairavsthan, District Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Uday Chandra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 01-05-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

Allegation in the complaint petition is that the
complainant paid an amount of Rs. 2, 31,000/- in the account of
accused no.2 namely Pradeep Kumar Chaudhary between
30.6.08 to 5.8.2008. It is further alleged that accused no.2 took
the photo copy of all necessary certificate and an amount of
Rs. 60,110/- was transferred through bankers cheque from the
account of accused no. 2 to the account of the institution which
this petitioner is said to be the one of the Director. It is further
alleged that son of the complainant attended classes for 20 days
but he was not asked to sign on the attendance register. The son



of the complainant got suspicious and, on enquiry, it was found that he was not admitted in the said institute. He informed accused no.2. Then accused no.2 did not reply. The complainant made demand with accused no.2 to return the money but no reply was given by accused no.2. It is further alleged that on social pressure accused no.2 made an agreement in presence of advocate on 28.4.2009 as stated in the complaint petition in which he had admitted that he had taken an amount of Rs. 2,31,000/- and assured that he would return the amount within six months. It is also agreed in the agreement that an amount of Rs. 1,10,000/- has been paid to the complainant by two cheques as mentioned in the complaint petition. But when those two cheques were presented then both the cheques dated 28.4.2009 got bounced due to mis-matching of signature. Thereafter, again legal notice was sent but the accused persons neither returned the money nor took any steps for admission of the son of the complainant. The entire Xerox copy of the order sheets along with report of the trial Magistrate has been received. The learned Magistrate has mentioned in the report that the case is pending for evidence after charge. From the Xerox copy of the order sheet it appears that charge has been framed in this case by order dated 29.4. 2016. Thereafter, the case is posted



for evidence after charge. It is mentioned in the order dated 04.04.2017 that compromise has taken place between the parties and accordingly on the point of compromise CW-3 Ganesh Prasad and CW-2 Ashok Kumar Raut have been further cross examined and discharged on 4.4. 2017.

In such circumstances, from the aforesaid order sheets, it appears that compromise has already taken place between the parties for which necessary petition has also been filed in the Court below. Learned counsel for the petitioner has pointed out the evidence given by the complainant in the Court below (Annexure-3), which is available at running page 24 of brief, wherein the complainant, in his evidence before the court on 19.09.2013, has stated that he has already received an amount of Rs. 2,31,000/- from Pradeep Kumar Chaudhary.

In such circumstances, this Court disposes of the application with direction to the Court below to finally dispose of the case in accordance with law after recording evidence of other witnesses by giving short adjournment within a period of six months from the date of receipt of this order, after looking into the evidence of the complainant, recorded on 19.9. 2013 as CW-3 wherein in para 12 he has stated that he has already received the entire amount of Rs. 2, 31,000/- from Pradeep



Kumar Chaudhary which he had given for the admission in the institution. The learned Magistrate will send compliance report of this order to the learned District and Sessions Judge Madhubani. The learned District and Sessions Judge, Madhubani will monitor the disposal of this case personally in terms of the order passed by this Court and send report to this Court.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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