

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32123 of 2014

Arising Out of PS. Case No.-1283 Year-2013 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Smt. Raju Bhai @ Bimmi Singh wife of Bikram Bahadur Singh resident of
Holding No. 878, Shiv Vihar Civil Line, Unnau (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pankaj Kumar Gupta son of Bisundeo Gupta resident of village - Falka Bazar,
P.S. Korha, District - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate Mr. Mukesh Kumar Jha, Advocate
For the State	:	Mr. P. Mehta, APP
For O.P. No.2	:	Mr. Binod Kumar Singh, Advocate Mr. Satyendra Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT

Date : 05-03-2018

Heard learned counsel for the petitioner, learned APP for the
State as well as learned counsel appearing on behalf of opposite
party no.2.

2. The petitioner seeks quashing of the order dated
26.06.2014, passed by learned Sessions Judge, Katihar in Criminal
Revision No.18 of 2014 whereby revision application filed for
setting aside the order of cognizance taken under Sections 420/34
of the Indian Penal Code dated 10.09.2013, passed by learned
Judicial Magistrate, Katihar in Case No. CA 1283 of 2013 was
dismissed.



3. The case of the complainant is that accused nos.1 and 2, namely, Arjun Choudhary and Pappu Gupta approached the complainant and assured to transport the maize to Barabanki for its delivery to one Sona Gold Agro J. Private Limited, Uttar Pradesh. The maize was loaded on the truck of the petitioner bearing registration no.UP 35 T 1293 and the driver proceeded for its destination but it did not reach there and the maize was defalcated and he was put to loss of Rs.3,00,000/- approximately.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the truck. It was engaged by the complainant through the transporter and it was being driven by the driver and on the way the truck was looted away by unknown miscreants for which the driver lodged Kanti P.S. Case No.133 of 2013, dated 22.04.2013. The police found the case true and recovered that truck and also made accused several number of persons, so it is not a case of any cheating done by the truck owner whereas the learned counsel for the complainant submits that the maize was loaded on the truck of the petitioner and the petitioner has cheated by just taking the stand that truck was looted by some miscreants.

5. The case diary of Kanti P.S. Case No.133 of 2013 was also called by this Court and on perusal of the same the Court finds



substance in the submission of the learned counsel for the petitioner as the truck being driven by the driver while transporting the maize of the complainant was looted by some unknown miscreants and later on during investigation police recovered the truck and also found involvement of number of accused involved in that case and has found the case true, so no case of cheating is made out in the present complaint case against the petitioner, hence, the cognizance order dated 10.09.2013, passed by learned Judicial Magistrate, Katihar in Case No. CA 1283 of 2013 as well as the order 26.06.2014, passed by learned Sessions Judge, Katihar in Criminal Revision No.18 of 2014 and also the subsequent criminal proceeding in Case No. CA 1283 of 2013 against the petitioner is set aside.

6. The quashing application stands allowed.

(Arun Kumar, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
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