

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2349 of 2018

Arising Out of PS.Case No. -365 Year- 2016 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Manoj Kumar Srivastava, son of Late Chet Nath Srivastava @ Kunwar Lal,
resident of Mohalla- Company Sarai, P.S.- Sasaram (T), District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar.
2. Dr. Sanjay Anand son of Srikashi Nath Singh, resident of Mohalla-
Naurang Colony, Fazalganj, Anand Hospital and Research Centre, Sasaram,
P.O.- Sasaram, P.S.- Sasaram(Model), District- Rohtas.
3. Mahendra Kumar son of Sri Panchu Singh, resident of Mohalla-
Kabirganj, Dharmshala Road, P.O.- Sasaram, P.S.- Sasaram (T), District-
Rohtas.
4. Niraj Kumar Singh son of Late Sadhu Charan Singh, resident of Mohalla-
Karansarai, P.O.- Sasaram, P.S.- Sasaram (T), District- Rohtas.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 20-11-2018

Learned counsel for the petitioner admits that a
case with regard to the dishonour of cheque in question is
going on against him in the court below.

Learned A.C.J.M., Sasaram while considering the
complaint case brought by the petitioner has considered the
materials available on the record and took a view that the
allegations made in the complaint petition are highly
improbable and further that the deposition of the inquiry
witnesses do not make out a *prima facie* case against the
accused persons. Learned Additional District and Sessions



Judge – 4th Court, Sasaram while hearing the Criminal Revision Application preferred by the present petitioner against the order of the learned A.C.J.M., Sasaram, has also refused to interfere with the order by holding that no illegality or infirmity may be found in the order of the learned A.C.J.M., Sasaram.

Learned counsel for the petitioner submits that both the court below have failed to appreciate that at this stage they were not required to go into a threadbare discussions into the deposition of the witnesses, nor the courts were required to take a view based on the possibility of conviction of the accused.

This court has perused the statements made in the complaint petition and the deposition of the inquiry witnesses as also the impugned orders. In the opinion of this court, what could have at best be a defence on behalf of the petitioner in the case where he is facing prosecution for the alleged dishonour of cheque due to insufficient funds, have been made subject matter of the complaint petition. This court does not find any perversity in the order passed by the learned A.C.J.M., Sasaram or in the order of the learned Additional District and Sessions Judge – 4th, Sasaram,



District – Rohtas, and therefore refuses to interfere with the impugned orders.

The application is, therefore, dismissed.

It is however made clear that dismissal of the complaint petition would not come in the way of the defence of the petitioner in the collateral proceeding.

(Rajeev Ranjan Prasad, J)

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