

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2046 of 2018

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Sharnanand Jha, Son of Dukh Mochan Jha, Resident of Subhash Chowk,
Brahman Tole, Jainagar, P.S.- Jainagar District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar., through the District Magistrate, Madhubani.
2. Bishnu Kumar Raut, Son of Late Dhrub Kumar Raut, Resident of Village- Bara Bazar, P.S.- Madhubani, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Md. Nadeem Seraj (Gp-5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 07-09-2018 It appears from Annexure 4 to the present application that the complainant has himself filed an application seeking withdrawal of the complaint case in which cognizance was taken under Section 138 of the Negotiable Instruments Act. In the said application he has categorically stated that after three months of filing of the complaint a sum of Rs.1,60,000/- were returned by the accused to the complainant and in that view of the matter, the complainant does not want to proceed in the case because the entire payment has been received from the accused.

Learned Additional Chief Judicial Magistrate, Madhubani, who is in seisin of the case is directed to dispose off the application already filed by the complainant within a period of 15



days from the date of receipt/production of a copy of this order.

The Court shall consider that Annexure 4 is dated 13.04.2009 and if for all these nine years the accused-petitioner is compelled to put appearance in the case or to pursue the matter in the learned Court below, it will be a case of sheer harassment to the petitioner which cannot be justified in the given facts of the case. Such applications are to be considered and disposed off within a reasonable time and the Court cannot keep such applications pending on any ground including that the same is not being moved by the complainant.

Let the order be passed within the aforesaid period.

The application stands disposed off, accordingly.

The Court has been informed that warrant of arrest has been issued against the accused. If it is so, the warrant of arrest in question shall not be executed.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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