

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14820 of 2019

Arising Out of PS. Case No.-20 Year-2017 Thana- DIGHA District- Patna

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1. PRIYADARSHI GAURAV Son of Sudeshwar Sharma @ Sudheshwar Prasad Resident of New Mithila Colony, P.S.- Digha, District- Patna.
 2. Mamta Kumar Wife of Priyadarshi Gaurav Resident of New Mithila Colony, P.S.- Digha, District- Patna.
 3. Geeta Devi Wife of Sudheshwar Sharma @ Sudeshwar Prasad Resident of New Mithila Colony, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Umesh Kumar Son of Yamuna Rai Resident of Mohalla- Ramjichak, P.S.- Digha, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shivendra Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr. Rajnikant Jha, Adv.
For the State	:	Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioners as well as
learned APP.

Petitioner is aggrieved by an order dated 22.01.2019 whereby and whereunder the learned lower court has rejected the prayer having at the end of the petitioner so made under Section 239 Cr.P.C.

Without adverting to merit of the case, it is suffice to say that for the prosecution under Section 138 of the NI Act, apart from legal notice to be served upon the defaulter after receiving an information at the end of the bank regarding



dishonour of the cheque, the prosecution would also lie only on complaint as provided under Section 142 of the NI Act.

The learned lower court would see the legal deficiency on that very score. In terms thereof, instant petition is disposed of.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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