

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5188 of 2015

Arising Out of PS. Case No.-1056 Year-2000 Thana- PATNA COMPLAINT CASE District-
Patna

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Narendra Mohan Lakhota Son of Chaturbhuj Lakhota, Ex-Managing Director, Lynx India Ltd. (In Liquidation), Resident of 6-A, Iron Side Road, P.S.- Karya, Kolkata (West Bengal), Pin- 700019.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Suresh Chandra Prasad, Advocate, Resident of P-5, Officers Flat, New Punaichak, Patna- 800023.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.R.K.N.Chatterjee, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 02-09-2019

Heard learned counsel for the petitioner and learned counsel for the State. No one appears on behalf of opposite party No.2.

2. Petitioner is Ex-Managing Director of Lynx India Private Limited. The petitioner has sought for quashment of order of cognizance dated 11.09.2000, passed in Complaint Case No.1056 (C) of 2000, whereby the petitioner has been summoned to face trial for the offences under Sections 406 and 420 of the Indian Penal Code.

3. According to complaint petition, the complainant-opposite party No.2 had deposited money to get better interest in the non-banking finance company named above. The money was deposited in the name of daughter of the informant, namely, *Amrita*



Pritam. On maturity, the amount was not refunded. Hence, the complainant found himself cheated.

4. Learned counsel for the petitioner submits that delay in payment was due to some accounting and official process and later on the entire money has been paid back through *Annexure 5* series, which are copies of the demand draft in the name of *Amrita Pritam* and that is the reason why the complainant is not doing *Pairvy* in the case before the court below, nor even after personal service of notice has appeared herein. The petitioner has stated on oath in para 11 of the petition regarding mode of payment of the deposited amount along with interest to the daughter of the complainant.

5. Considering the changed circumstances, criminal prosecution would amount to abuse of process of the court, especially when there is lack of ingredient that the petitioner or the company was carrying dishonest and fraudulent intention from the inception of the transaction. Moreover, there is no specific attribution against the petitioner. In the circumstances, the impugned order as well as the entire criminal proceedings stands, hereby, *quashed*. Accordingly, this application stands *allowed*.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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