

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21352 of 2015

Arising Out of PS. Case No.-673 Year-2010 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Bhavesh Singh Son of Sri Chhedi Singh resident of village - Govindpur
Kanhaiyachak, P.S. Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Milind Kumar Jha M/s Kamla Tractor Agency N.H. 107, Saharsa, Road
Maheshkhunt, P.S. Maheshkhunt, D

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 22-11-2019 The petitioner seeks quashing of the order dated 02.11.2010 passed by the learned Judicial Magistrate, 1st Class, Khagaria in connection with Complaint Case No. 673C of 2010 whereby cognizance has been taken under Section 138 of the Negotiable Instrument Act.

From the perusal of the complaint petition as also the documents available on record, it appears that an attempt has been made by the petitioner to rebut the presumption under Section 139 of the N.I. Act.

However, this is not the stage where this could be seen and addressed and the petitioner would be well advised to approach the court below and contest the trial.



No interference is required to be made with the order of cognizance especially, in view of the fact that on issuance of notice to opposite party no. 2, nobody has appeared. From the order sheet, it appears that notice to opposite party no. 2 has not been served.

The mandate of law under the N.I. Act is to conclude the case as early as possible, preferably, within a period of six months with day to day trial. Keeping the petition pending since 2010 militates against the very legislative measure behind the Act.

There is no reason why this Court should allow this petition to be kept pending.

Whatever points have been urged by the petitioner here could very well be wrested out at the trial.

The petition is disposed of accordingly.

(Ashutosh Kumar, J)

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