

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13293 of 2015

Arising Out of PS. Case No.-797 Year-2013 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Jay Prakash Tiwari Son of Rajendra Tiwari 618, Nehru Nagar, P.S. Patliputra, District - Patna
 2. Ram Milan Tiwari Son of Satyanarayan Tiwari resident of village - Kiratpur, P.S. Sachedi, District - Kanpur Naga U.P.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ugra Kumar Ranjan Son of U.K. Bhaskar, Ranjan Niwas, Gumtinagar - 2, Bhikhanpur, P.S. Isokchak, District - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh
For the Opposite Party/s : Mr. Rita Vermaapp

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-05-2019 No body appears for the petitioners.

The present petition has been filed for quashing the order dated 26.02.2014 passed by the Judicial Magistrate-1st class, Bhagalpur in complaint case no. 797 of 2013, whereby and whereunder the Judicial Magistrate has taken cognizance for the offence punishable under Section 138 of N.I. Act.

A bare perusal of the complaint petition dated 29.04.2013 shows that the accused persons/petitioners herein had handed over a cheque dated 13.03.2013 for a sum of Rs. 5 lacs drawn on Union Bank of India, Exhibition Road, Patna to the complainant, however the said cheque stood dishonoured upon



presentation by the complainant before his Bank. Thus, it is apparent that *prima facie*, there is enough material on record to proceed in the matter, inasmuch as *prima facie* a case under Section 138 of the N.I. Act is made out. Therefore, this Court does not find any reason to interfere with the order dated 26.02.2014 passed by the Judicial Magistrate-1st class, Bhagalpur, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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