

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33963 of 2008**

**Along with
Interlocutory Application No. 1 of 2019**

=====

Shishir Chandra Mishra, Son of late Jagdish Mishra, R/o Naya Bazar, P.S. Saharsa, District- Saharsa at present working as Chief Manager, Patna Head Officer, Bank of India, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shrikant Roy, son of late Ramjee Roy, R/o Saharsa Nagar, Ward No. 1, P.S. and District- Saharsa.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Brij Bihari Tiwary with Mr. Naresh Dikshit, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Opposite Party/s	:	

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 09-04-2019

Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. In view of office report indicating that the opposite party no. 2, who had filed the complaint, is no more alive, the Court on 14.03.2019 had observed that the petitioner, who has been made accused in the capacity of his being an officer of the Bank of India, would close the loan account of the opposite party no. 2 as it relates to a petty amount of Rs. 2,000/-, a second supplementary affidavit has been filed on behalf of the petitioner in which a certificate has been enclosed dated 25.03.2019 of the Chief Manager, Saharsa Branch of Bank of India, which indicates



that in connection with the loan and recovery from the opposite party no. 2, as he has died and there is no security, the loan amount has been written off by the Bank of India.

3. In view of the fact that the complaint related to allegation that out of Rs. 5,000/-, only Rs. 2,000/- was paid to the opposite party no. 2 with cosmetic allegation that he was pushed and filthy words used against him, the main issue having been already settled, i.e., the loan having been written off by the Bank of India, the Court finds that letting the present complaint case to continue would be an abuse of the process of the Court.

4. Accordingly, the application is allowed. The entire proceeding arising out of Complaint Case No. 20C of 1997, including the order of cognizance dated 04.12.2000 and the order impugned dated 02.09.2006 passed in Cr. Revision No. 154 of 2001, pending before the Court below at Saharsa, stands quashed.

5. Interlocutory Application No. 1 of 2019 stands disposed off.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

