

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37342 of 2017

Arising Out of PS. Case No.-629 Year-2008 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Balmukund Rai, S/o of Shri Parakhnath Rai, aged about 40 years, Branch Manager, ICICI Bank Ltd. Having office at ICICI Bank Ltd., Godwalia, Luxa, P.S.-Luxa Thanka, District-Varanasi-221001, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Anuranjan Kumar alias Munna, son of Shiv Shankar Prasad, Mohalla-Dakbangla Road, P.O.-Hajipur, P.S.-Hajipur, District-Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dayanand Singh, Adv.
For O.P. No.2	:	Mr. D.K. Singh, Adv.
For the State	:	Mr.Sri Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 31-01-2019 Heard learned counsel for the petitioner as well as learned
A.P.P along with learned counsel for the informant.

Petitioner who happens to be Branch Manager, ICICI Bank Ltd. Varanasi, Branch Varanasi, U.P. has preferred this petition with a prayer to quash the order dated 05.03.2009 to his interest passed by Sri Prabhat Kumar, ACJM, XI, Vaishali at Hajipur relating to Complaint Case No.629/2008 whereby and whereunder petitioner along with others has been summoned to face trial for an offence punishable under Section 406, 120B IPC as well as 138 of the N.I. Act.

There happens to be an allegation at the end of the O.P. No.2 that during course of business transaction, accused no.1, Awadh Kishore tendered cheque no.542270 dated 16.12.2007 which was



deposited in his account but, was not honoured by the ICICI Bank whereupon, advocate notice was served and having failed to pay the same, ultimately led to filing of the complaint petition.

Heard, the learned respective counsels as well as also gone through the record including the order impugned. From perusal of the complaint petition as well as from the statement of the witnesses, it is apparent that no offence is made out against the petitioner. At the present juncture, learned counsel for the O.P. No.2 has submitted that there happens to be inordinate at his end without any explanation. Petitioner has not taken bail from the learned lower court and so, he should not be allowed any kind of bonanza by way of quashing of the order impugned. This query is properly answered from the complaint petition itself wherein there happens to be simple disclosure of status of accused no.2 as Branch Manager, ICICI Branch and in likewise manner the order impugned happens to be.

Be that as it may, considering the fact that no offence is made out against the petitioner, the order impugned relating to the interest of the petitioner is hereby quashed. Accordingly, petition is allowed.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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