

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71139 of 2019

Arising Out of PS. Case No.-1381 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Braj Kishore Singh, S/o Late Narayan Singh, R/o village- Narauni Tola, P.O.-
Parsurampur, District- East Champaran (Bihar), Proprietor of Bhrrat Chicks
and Feeds, Pipra Parsurampur, P.S.- Pipra, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Eva Exotica Private Limited Verma Centre 306 and 307, Boring Road
Crossing, Patna 800001 Through its Legal Executive Mr. Raj Kumar Rai S/o
Kuber Nath Rai, Eva Exotica Private Limited, 306 and 307 Verma Centre,
Boring Road Crossing, P.S.- S.K. Puri, District- Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-01-2020 Nobody appears on behalf of the petitioner on

07.01.2020, though the complainant was present for the sake of

justice, the case was placed for today.

Learned counsel for the complainant is present.

Today also nobody appears on behalf of petitioner to

press this application.

This application has been filed for quashing the order

dated 22.01.2019 passed by the learned A.C.J.M. Patna, in

Complaint Case No. 1381 (C) of 2018, by which, after enquiry,

finding a prima facie case under Section 138 of N.I. Act, he has

issued process against the petitioner.



Case in short is that the complainant is the Legal Executive of Eva Exotica Private Limited and he was authorized by the Assistant General Manager to file a complaint on behalf of the company. The petitioner is Proprietor of Bharat poultry and he entered into the business and supply of poultry feeds with the company of the complainant, in which, the petitioner has paid some amount but rest of Rs.4,07,209/- was due and as such, he has issued a cheque and on depositing the cheque for realization, the cheque bounced with remarks “Funds Insufficient”.

After enquiry, finding a *prima facie* case against the petitioner, processes were issued against him, against which, the petitioner has filed this application.

Heard learned APP as well as learned counsel for the complainant, who has submitted that the complaint petition and the materials available on the record itself shows that a *prima facie* case is made and at this stage of taking cognizance, the Court has only to see if there is *prima facie* materials or not. As such, there is no merit in this application.

From perusal of the record, it appears that there are *prima facie* allegation against the petitioner, as such, the application is devoid of merit.



Accordingly, this application stands dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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