

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.228 of 2023

Arising Out of PS. Case No.-282 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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DEVENDRA NATH THAKUR Son of Sanyog Lal Goswami R/o Mohalla-
Sarswati Vastralaya, Hospital Road, Sursand, P.S.- Sursand, District-
Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The District Magistrate, Sitamarhi
4. The Senior Superintendent of Police, Sitamarhi
5. The Deputy Superintendent of Police, Pupri, District- Sitamarhi
6. The S.H.O., Sursand, District- Sitamarhi
7. Rajnish Kumar Jalan @ Babalu Jee Son of Durga Jalan Proprietor M/s Durga Prasad Mahavir Prasad, R/o Mohalla- Sutapatty, P.S.- Town, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. Deepak Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and the

learned counsel for the State.

2. Perused the impugned orders as contained in

Annexures '3' and '4' to the writ application passed by the

learned Judicial Magistrate, Pupri, First Class and the learned

Additional Sessions Judge-X, Sitamarhi respectively.

3. It appears on reading of the impugned orders that

the complaint preferred by the petitioner was dismissed by the

learned Magistrate under Section 203 Cr.P.C. whereafter a



revision was preferred before the court of learned Additional Sessions Judge-X, Sitamarhi who refused to interfere with the orders of the learned Magistrate.

4. This Court has perused the impugned orders. Paragraph '5' of the order passed in revision records the materials appearing from the trial courts record thus this Court deems it just and proper to extract the paragraph '5' of the revisional order hereunder:-

"5. On perusal of the trial court's record it appears that the complainant himself alongwith three inquiry witnesses have been examined u/s. 202 and u/s. 200 of Cr.P.C. respectively. On perusal of the complainant case it appears that the accused used to supply garments/ cloths to complainant shop and a good relation was established in between both, it has been further alleged that a blank cheque no. 515628 dated 13/04/2018 in name of complainant was given to accused by the son of complainant and the said cheque was given as security but on 01/08/2018 a legal notice was received with respect to the cheque bounce and thereafter he came to know the cheating. From perusal of the complaint petition it appears that the complainant had not given the cheque to accused, the said cheque was given to accused person by his son Sunil and he has stated in his statement that the amount was generally paid to accused through cheque and on 13/04/2018 a cheque was given to accused only for security and thereafter they came to know that said cheque got bounced. Complainant has stated in his S/A that a blank cheque was given and the accused put the amount of Rs.



4.5 lacs and the same was bounced, whereas the son of complainant Sunil who had handed over the cheque to accused has stated in his statement that a blank cheque was given and the accused put the amount of Rs. 3,81,791/- and the same got bounced. These statement shows that they both complainant and his son are not clear about the amount of cheque. It further appears that the complainant has not produced legal notice of cheque bounce and he has also not produced the copy of the said alleged cheque for which it has been alleged that the said cheque has been fabricated.

On perusal of the material available on the record, it appears that alleged dishonoured cheque has not been seen by the witnesses including the complainant as they have not stated the amount of cheque dishonoured complainant and his son have stated different amount of cheque and they have not corroborated the statement of each other fully. It further transpires that no document has been adduced by the complainant by which it makes clear and shows the false and fabricated document. As such I am of the view that there is not material for summoning the accused.”

5. Having regard to the reasonings available in the impugned orders, as noticed hereinabove, this Court finds no illegality or any infirmity with the same, hence no interference is required by this Court in exercise of its writ jurisdiction.

6. This application has no merit and thus is dismissed.

(Rajeev Ranjan Prasad, J)

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