

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9087 of 2020

Arising Out of PS. Case No.-424 Year-2009 Thana- SIWAN COMPLAINT CASE District-
Siwan

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SURESH KUMAR JERATH S/o Late H.L. Jerath Managing Director, Ekta Agro Industries Limited, 3/13B Asaf Ali Road, New Delhi- 110002, resident of H/No. 160 Dayanand Vihar, P.S.- Anand Vihar, Delhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumar Amikar S/o Late Sukdev Narain Resident of Kaka Poultry Farm, Babunia Road, Near Pani Tanki, P.S. and District- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh
For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 10-02-2023 Heard learned counsel for the petitioner and learned counsel for the State as well as learned counsel for the opposite party no. 2.

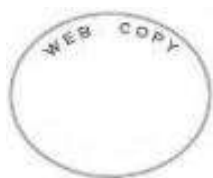
This application has been filed for quashing the order dated 22.10.2019 passed by the learned Additional District and Sessions Judge-III, Siwan passed in Cr. Revision No. 103 of 2019 as well as the order dated 18.04.2019 passed by the learned Additional Chief Judicial Magistrate-III, Siwan in connection with Complaint Case No. 424 of 2009 corresponding to Trial No. 163 of 2019, whereby and whereunder the learned



Additional Chief Judicial Magistrate has dismissed the petition filed under Section 245(2) of the Cr. P.C.

Submission of learned counsel for the petitioner is that petitioner is a Managing Director of M/s Ekta Agro Industries Ltd. He has falsely been implicated in the present case with an ulterior motive to take revenge and put pressure to give up his claim on the decreed amount of Rs. 23, 31, 287/- with interest passed in Money Suit Nos. 121 of 2005 and 122 of 2005 against the complainant. Further he submits that the Revisional Court has not appreciated the facts of the case in correct perspective.

Learned counsel appearing on behalf of the opposite parties vehemently opposed the prayer of learned counsel for the petitioner by contending that earlier petitioner has moved before this Court vide Cr. Misc. No. 42558 of 2011 for quashing the order of cognizance dated 08.07.2010, which was dismissed by a Co-ordinate bench of this Court by order dated 07.11.2012 with observation that liberty is given to the petitioner to raise all the points at the appropriate stage. The petitioner has already availed the liberty as given by a Co-ordinate bench of this Court. Hence, the quashing application is not maintainable, as such the same may be dismissed.



Having considered the above facts and circumstances of the case and the submissions advanced on behalf of the learned counsel for the opposite parties, this application is dismissed, as not maintainable.

(Arvind Srivastava, J)

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