

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22868 of 2015

Arising Out of PS. Case No.-311 Year-2007 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Anand Mohan Prasad son of Late Bisheshwar Prasad resident of Mohalla-
Anand Roadways, Station Road , Nawada, P.S. Nawada, Dist.- Nawada.'

... .. Petitioner/s

Versus

1. State Of Bihar
2. Suresh Prasad Sharma son of Late Mahabir Prasad Thakur resident of
Mohalla- Rajendra Nagar Nawada, P.S. Nawada, District- Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar, Advocate Mr. Kumud Kishore, Advocate
For the Opposite Party/s :		Mr.Kalyan Shankar, APP
For the Informant	:	Mr. Sanjay Kumar Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 14-02-2023 Heard learned counsel for the petitioner, informant
and the State.

The petitioner has challenged the order dated
12.02.2015 passed by learned Ist Additional Sessions Judge,
Nawada in Cr. Rev. No. 66 of 2012/01 of 2015 by which upheld
the order dated 17.05.2012/18.05.2012 passed by the Judicial
Magistrate, 1st Class whereby discharge petition under Section
245 of the Cr. P.C. was dismissed.

As per the prosecution story, the complainant alleged
that being the owner of a truck, the same was handed over to the
petitioner at the rate of Rs. 10,000/- per month for the months of



September, 2005 to January, 2006. However, he chose not pay Rs. 50,000/- in spite of demand and further there is allegation of assault also. Accordingly, the complaint was lodged.

Learned Judicial Magistrate Ist Class, Nawada took up the matter and having *prima facie* satisfied that enough materials are there to frame the charges, the discharge petition preferred by the accused persons was rejected.

Aggrieved, the Cr. Rev. vide No. 66 of 2012/01 of 2015 was preferred before the Sessions Judge, Nawada which was taken up by the Ist Additional Session Judge, Nawada and vide a reasoned order dated 12.02.2015, the same was rejected after making observation that having gone through the order passed by the learned Judicial Magistrate, no interference is required.

Still, aggrieved the present petition.

The learned counsel for the petitioner tried to convince this Court on the facts of the case.

Mr. Sanjay Kumar Giri, learned counsel for the informant submitted that a *prima facie* is made out inasmuch as the truck was handed over for five months and the accused persons failed to pay Rs. 50,000/-. Further, twice mind have been applied by the Judicial Courts, the last by the learned 1st



Additional Session Judge, Nawada and as such no interference is required.

Considering the kind of allegation as also that the petition for discharging the accused persons was rejected by the learned Judicial Magistrate 1st Class and the learned Session Judge, Nawada chose not to interfere in the matter vide a reasoned order, this Court does not find any merit in the petition, which is accordingly rejected.

(Rajiv Roy, J)

Jagdish/Neha/-

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