

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36680 of 2015

Arising Out of PS. Case No.-86 Year-2015 Thana- KATIHAR NAGAR District- Katihar

-
1. Arti Devi Wife of Shri Birendra Kumar Jha
 2. Birendra Kumar Jha Son of Sri Brahma Narayan Jha Both are Residents of Officers Colony, Mirchai Bari, P.S. Sahayak, District - Katihar

... .. Petitioner/s

Versus

1. State Of Bihar
2. Raman Kumar Jha Son of Late Girja Prasad Jha Resident of Mohalla - Hriday Ganj, P.S. Sahayak, District - Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.A.M.P.Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-02-2023 No one appears on call.

The present petition has been preferred for quashing of the cognizance order dated 04.05.2015 passed by learned C.J.M., Katihar in Sahayak P.S. Case No. 86 of 2015 by which learned Court below took cognizance under Sections 406, 420 and 34 of the Indian Penal Code against the petitioners.

As per the complaint case, the complainant has alleged that he is an agriculturists and the accused was in need of money, contacted him and talked about selling of 6 decimals and 6 'Kari' of land for Rs. 7 lakhs. On 17.05.2013, they reached Registry Office and was paid Rs. 1 lakh to the accused no. 1. An agreement was signed in which accused no. 2 also put



his signature.

Accordingly, accused no. 2 (petitioner no. 2 herein) again received Rs. 5 lakh and in this way, six lakhs was paid out of 7 lakhs. However, the land was never registered as the same was found to be only 4 decimal 1 '*Kari*' (not 6 decimal 6 Kari). As no registry was made, notice was sent on 22.10.2014 to complete the registration but neither any step was taken nor the money was returned. Accordingly, the case was lodged.

From the aforesaid facts, it is clear that the petitioners have cheated the complainant of Rs. 6 lakhs.

However, as no one appeared on behalf of the petitioners, the petition stands dismissed for non-prosecution with liberty to raise all the points before the Trial Court at an appropriate stage.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

