

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21513 of 2023

Arising Out of PS. Case No.-740 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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Dr. Dhruv Narayan Sinha, Son of Late Saryu Prasad, R/o- Superintendent
House B.N. College Patna, PO- Bankipur, PS- Pirbahore, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ayodhya Prasad, son of Late Saryu Prasad, Village- Maranpur Po-
Chanchaura Ps- Vishnupad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor.

2. The petitioner has put to challenge the order dated
03.06.2022 passed by the learned Judicial Magistrate, Ist Class,
Gaya, in Complaint Case No. 740 of 2021, whereby cognizance
has been taken of the offence punishable under Section 138 of
the Negotiable Instruments Act, 1881 and the petitioner has
been summoned by the aforesaid order.

3. Learned counsel appearing on behalf of the
petitioner has attempted to convince this Court that the
petitioner had put his cheque book in his bag. Further, the
petitioner had put his signatures on the two of the cheques in the

cheque book. Opposite Party No. 2, somehow or the other, managed to get hold of the bag in which the cheque book was kept and presented the cheque in the Bank, though no amount was due on the petitioner payable to the Opposite Party No. 2. He has submitted that the cheque was returned to Opposite Party No. 2 not because of insufficiency of fund, rather because of the instructions issued by the petitioner to the Bank not to allow encashment of the cheque.

4. In a proceeding under Section 482 of the CrPC, I am not inclined to go into the nature of disputes, which are being raised on behalf of the petitioner. The petitioner shall be at liberty to take plea, which he is taking in the present proceeding, at appropriate stage before the court below.

5. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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