

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56814 of 2015**

Arising Out of PS. Case No.-224 Year-2013 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Manoj Kumar son of Sri R.P. Singh, R/o Near Cold Consolidation Office,
Hari Jee Ka Hata, P.S.- Ara- Nawada, District- Bhojpur, At present R/O Moh-
Rukanpur, P.O. Bihar Veterinary College, P.S. Rupaspur, Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Yagya Narayan Tiwary, Son of Bachhanand Tiwary, R/O M.I.G. Flat No.13,
Mohalla- Chandwa, P.S. Ara- Nawada, District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Sanjay Kr. Tiwary No.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-03-2023 On call, no one appears on behalf of the petitioner.

The present petition has been preferred for quashing of the order dated 09.10.2015 passed by the learned Sessions Judge, Bhojpur in Cr. Revision No. 136 of 2015 confirming the order taking cognizance dated 04.06.2014 passed by the learned Judicial Magistrate Ist Class, Ara in Complaint Case No. 224(C)/2013 (Trial No. 37 of 2014).

The allegation is that the petitioner and another co-accused was running a partnership firm in the business of construction and being in good relationship, Rs. 19,50,000/- was taken as loan from the complainant and two cheques of Rs. 10,50,000/- and Rs. 9 lakhs were handed over to him which was



dishonored on 05.11.2012 and again on 11.01.2013. A legal notice was sent and as they failed to clear, the present complaint.

From the allegation that has come, the Court of learned Judicial Magistrate-Ist Class, Bhojpur having *prima facie* satisfied took cognizance on 04.06.2014 under Section 138 of the Negotiable Instruments Act.

Having gone through the facts of the case, the order dated 09.10.2015 passed by the learned Sessions Judge, Bhojpur in Cr. Revision No. 136 of 2015 confirming the order taking cognizance dated 04.06.2014 passed by the learned Judicial Magistrate Ist Class, Ara in Complaint Case No. 224(C) of 2013 (Trial No. 37 of 2014), needs no interference.

Accordingly, the petition stands dismissed with liberty to raise all points before the Trial Court at an appropriate stage.

(Rajiv Roy, J)

Jagdish/Neha/-

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