

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84928 of 2019**

Arising Out of PS. Case No.-681 Year-2011 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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RAM UDAR JHA Son of Late Jaynath Jha Resident of Village- Machhaita,
P.S.- Sakatpur, Post Kursu Nadiyami, District- Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sujit Kumar @ Sanjit Kumar S/o Late Jagdish Prasad Singh Resident of
Village and Post- Krishnawara, P.S.- Patepur, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 06-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. This application has been filed for quashing of
order dated 28.09.2019 passed by learned Addl. Chief Judicial
Magistrate-IV, Vaishali at Hajipur in Complaint Case No. 681 of
2011 by which learned Magistrate has rejected the application of
the petitioner.

3. It is alleged that complainant had given Rs.
13,10,000/- (Rs. Thirteen Lakhs Ten Thousand Only) to the
petitioner for starting a business. When the complainant asked



the petitioner to return the same, the petitioner gave a cheque of Rs. 13,10,000/- (Rs. Thirteen Lakhs Ten Thousand Only) but the cheque was dishonoured due to insufficient balance in the account of the petitioner.

4. It has been submitted by learned counsel for the petitioner that cheque was issued at Patna and bounced at Samastipur, therefore, the complaint case could have been filed at those places only.

5. Learned counsel for the opposite party no.2 has submitted that a part of the offence has been committed at Hajipur and therefore, the present complaint is maintainable at Hajipur. He has also taken this Court to the complaint where it has been alleged by the complainant that the amount in question was given to the accused/petitioner by the complainant at Hajipur and therefore, a part of the offence has been committed at Hajipur so the accused/petitioner can be tried at Hajipur for having committed the offences under Section 406 of the Indian Penal Code read with Section 138 of the N.I. Act.

5. I have considered the submissions of the parties.

6. From reading the complaint, it is apparent that offence had started at Hajipur and a part of the offence has been committed at Hajipur apart from Patna and Samastipur and



there is no illegality in the trial of the case at Hajipur where the offences have been committed at different places i.e. Patna, Samastipur and Hajipur.

7. In view of the above, this application is dismissed.

(Sandeep Kumar, J)

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