

IN THE HIGH COURT OF JUDICATURE AT PATNA
SPECIAL LEAVE APPLICATION No.22 of 2024

Arising Out of PS. Case No.-4032 Year-2015 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Umesh Rai S/o- Chandeshwar Rai Resident of village- Nawada Khurd Post
Saddulapur, Ps- Ganga Bridge Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bisundev Kumar Son of Mahendra Rai Village- Terasia Po- Retanakar Ps-
Gangabridge Dist- Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ram Shankar Prasad

For the Respondent/s : Mr.Abha Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner the application has been submitted by him under Section 378(4) Criminal Procedure Code. Whereby the petitioner seeks Special leave to file appeal against the judgment of acquittal dated 10.07.2024 passed in Trial No. 1272 of 2024 by the learned Judicial Magistrate, 1st Class, Hajipur Vaishali, whereby and where under the learned Judicial Magistrate 1st Class acquitted the Respondent No. 02 for the offence punishable under Section 138 of N.I. Act.

2. Perusal of the impugned paragraph 11 of the impugned order clearly shows that the complaint petitioner under Section 138 of N.I. Act has been filed by the petitioner on



05.12.2015, however for filing the said complaint case cause of action would be arrived to the petitioner on 24.12.2015. Therefore, the learned Trial Court on the ground of the premature filing of the said complaint petition rejected the complaint case and acquitted the O.P. from the alleged offences. The finding recorded by the learned Judicial Magistrate, 1st Class is based upon the evidence available on record and accordance with the relevant law. Therefore, I do not find any ground on the basis of which leave to appeal can be granted in favour of the petitioner.

3. Accordingly, this application is dismissed having no merit. However as prayed by the counsel for the petitioner liberty is granted to file a fresh complaint under Section 138 of Negotiable Instrument Act if law permits him.

(Arvind Singh Chandel , J)

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