

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77379 of 2023

Arising Out of PS. Case No.-503 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

=====

KAILASH JHA S/O LATE JAIRAM JHA R/O VILLAGE- MAKUNMA,
P.S- KHAJAULI, DISTT.- MADHUBANI AT PRESENT HOUSE NO. 0/314,
SAURAV VIHAR, P.S- JAYATPUR BADARPUR, NEAR RAJAMOHAN
PUBLICH SCHOOL, NEW DELHI-110044.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. TARENDRA YADAV S/O RAM PRABODH YADAV R/O VILLAGE-
KHAIRAMATHA, P.S- JAI NAGAR, DISTT.- MADHUBANI.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Jha
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

This application has been filed on behalf of the
petitioner for quashing the order dated 08.10.2021 passed by the
learned Cheif Judicial Magistrate, Madhubani in connection
with Cr. No. 503 of 2021 and also for quashing the order dated
24.07.2023 passed by the Additional District and Sessions
Judge-VIII, Madhubani in Cr. Rev. No. 240 of 2021.

The petitioner is the signatory of the cheque and the
cognizance has been taken under Section 138 of the NI Act.



Mr. Prafull Chandra Jha has vehemently argued this case and has submitted that the petitioner has no account in the Indian Overseas Bank and he is not the signatory of the cheque.

In the opinion of this Court, these facts can only be examined by the Court below during trial and this Court cannot examine the same by affidavit evidence.

Accordingly, this application is dismissed.

The grounds raised by learned counsel for the petitioner shall be considered in the trial in the Court below if evidence in support of the same are produced by the accused.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

