

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78994 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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AKHILESH KUMAR PRASAD S/O LATE KRISHNA PRASAD
RESIDENT OF JHAUWAN, PS. AWATAR NAGAR, DIST. SARAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ABHISHEK KUMAR S/O SRI KRISHNA SHARMA RESIDENT OF HEM
NAGAR,PS. CHAPRA MUFFASIL, DIST. SARAN,MOBILE NO.
9931274107, BIHAR-841302.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar Tiwary
For the Opposite Party/s : Mr.Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 30-09-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The present application has been filed for quashing
of the order dated 28.07.2023, passed by the court of Sessions
Judge, Saran at Chapra, in Criminal Revision No. 25 of 2003,
whereby he has confirmed the cognizance order; alongwith the
order by dated 20.04.2022, passed by the court of Judicial
Magistrate, First Class-07, Saran at Chapra, whereby and
whereunder the cognizance has been taken against the petitioner
under section-138 of the Negotiable Instrument Act, 1881, in
connection with Complaint Case no. 191 of 2022.

3. The petitioner wants his defence to be examined by
this Court at the stage of cognizance. He submits that there is no



due of the opposite party No. 2 who has filed the present case
for cheque bouncing.

4. This defence of the petitioner cannot be considered
by this Court, it can only be considered by the trial Court.

5. In these circumstances, this Court will not interfere
in this application. It is accordingly dismissed.

(Sandeep Kumar, J)

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