

Javed Alam Vs. State of Bihar and anr

Javed Alam Vs. State of Bihar and anr

SooperKanoon Citation : sooperkanoon.com/1028345

Court : Patna

Decided On : Aug-14-2013

Appellant : Javed Alam

Respondent : State of Bihar and anr

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.44098 of 2007

=====

Javed Alam, Son of Abdul Hassan, Resident of G/5 South Extension Part II, P.S.
Defence Colony, New Delhi. Petitioner Versus 1. The State of Bihar.

2. Md. Tahir, Son of Abdul Quaddir, C/o Pankaj Kumar Singh, Resident of Pandai
Kothi, Boring Canal Road, P.S. Budh Colony, District Patna. Opposite
Parties

=====

Appearance : For the Petitioner : Mr. Ajay Thakur, Advocate Mr. Ravi Ranjan,
Advocate For the State : Mr. J.K. Singh, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH ORAL

JUDGMENT

Date:

14. 08-2013 Anjana Prakash, J.

The petitioner seeks quashing of the entire proceeding including the order of cognizance dated 17.2.2007, passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 2209C of 2006.

2. The case of the complainant is that the parties were business persons and had friendship since last seven years. In course of the same, the accused no. 1 approached the complainant for a friendly loan of Rs. 35 lakhs of which the complainant gave him Rs. 30 lakhs. However, the accused did not return the money and instead accused no. 2 issued two cheques which were dishonoured.

3. It has been submitted on behalf of the petitioner that 2 Patna High Court Cr.Misc. No.44098 of 2007 dt.14-08-2013 2/2 even accepting the complaint petition in its entirety, no offence would be made out against him, since, there is no allegation that the petitioner had issued the cheques in question.

4. Notices had been issued to the opposite party no. 2 which was received by his lawyer in the court below but he has chosen not to appear before this Court.

5. Considering the aforesaid matter, the application is allowed and the entire proceeding including the order of cognizance dated 17.2.2007, passed by the Judicial Magistrate, 1 st Class, Patna in Complaint Case No. 2209C of 2006 is quashed, so far as it relates to the petitioner. (Anjana Prakash, J.) Sanjay/-

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com