

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1933 of 2017

Amit Das, son of Amal Kanti Das, Resident of House No. 40, Megh Mallar Sarani, Sector - 2C, Near Co-operative More, Bidhan Nagar Durgapur - 12, P.O. and P.S. Bidhan Nagar, District Burdwan (W.B.)

... .. Petitioner

Versus

1. The State of Jharkhand

2. Shankar Mandal, son of Late Bholu Mandal, Resident of House No. 250/A, New Colony Jagjiwan Nagar, P.O. Jagjiwan Nagar, P. S. Saraidhela, District Dhanbad

... .. Opp. Parties

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Sandip Kr. Burnwal, Advocate

For the Opp. Party : Mr. Nehru Mahto, A.P.P.

03/30.11.2017 Heard Mr. Sandip Kr. Burnwal, learned counsel appearing for the petitioner and Mr. Nehru Mahto, learned A.P.P., for the State.

In this application the petitioner has prayed for quashing of the entire criminal proceedings in connection with C.P. Case No. 1632 of 2016 including the order dated 17.12.2016 passed by the learned Judicial Magistrate, 1st Class, Dhanbad by which cognizance has been taken for the offence punishable under Section 138 of the Negotiable Instruments Act.

It has been stated by the learned counsel for the petitioner that the petitioner is the proprietor of *Dreamz Consultancy* and on account of business transaction a cheque of Rs. 2,00,000/- was given as security which cannot termed to be an enforceable date and, therefore, no offence under Section 138 of the Negotiable Instruments Act is made out against the petitioner.

It appears from a perusal of the complaint petition that the petitioner had taken friendly loan of Rs. 2,00,000/- and in lieu of the same a cheque was issued in favour of the complainant which subsequently got dishonoured leading to issuance of legal notice and subsequent thereto filing a complaint case.

There being a prima facie case in existence, the learned court below had rightly taken cognizance for the offence under Section 138 of the Negotiable Instruments Act and in such circumstance, therefore, I am not inclined to entertain this application which is accordingly disposed of with a liberty to the petitioner to raise all the points at the appropriate stage.

(Rongon Mukhopadhyay, J.)