
(2011) 03 PAT CK 0043

In the Patna High Court

Case No : Criminal Miscellaneous No. 19690 of 2006

Brahmchari Upendra Mitra

APPELLANT

Vs

The State of Bihar and Md. Sayeed

RESPONDENT

Date of Decision : 14-03-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 406

Citation : (2011) 2 PLJR 1144

Hon'ble Judges : Sheema Ali Khan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sheema Ali Khan, J.—The Petitioner has filed this application for quashing of the order dated 09.03.2005 by which the Judicial Magistrate, 1st Class, Patna has taken cognizance for the offences u/s 406 of the Indian Penal Code in Complaint Case No. 1851 (C) of 2004.

2. The Petitioner is the Sales Manager of the Bihar Emporium has been made accused in this case, along with two other persons, alleging that the complainant had supplied 659 pieces of blankets to the Bihar Emporium vide challan No. 54788 at the rate of Rs. 144 per piece. The said blankets were found not in accordance with the standards set out by the Collector and as such the supply of blankets vide challan No. 54788 was returned to the Bihar Emporium. The allegation is that the employees of the Bihar emporium neither returned the blankets nor made any payment to the complainant for the said blankets. It is also alleged that the Bihar Emporium who is the lessee of the Patna Regional Development Authority, and the complainant who is the tenant of the Bihar Emporium was threatened by the accused persons.

3. As far as the allegation of threat to the complainant is concerned, cognizance has not been taken. The question as to whether the blankets were returned or not to the complainant or whether the parties had any intention to

misappropriate the blankets, would need to be decided at a latter stage in this case.

4. For the present, I am not inclined to interfere with the order taking cognizance.

5. This application is accordingly dismissed.