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**(2007) 02 PAT CK 0034**

**In the Patna High Court**

**Case No :** Criminal Miscellaneous No"s. 26813, 26597, 26810 and 26812 of 2006

Raghu Nath Singh and Others

APPELLANT

Vs

State of Bihar and Another

RESPONDENT

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**Date of Decision :** 06-02-2007

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 202  
Negotiable Instruments Act, 1881 (NI) — Section 138  
Penal Code, 1860 (IPC) — Section 406, 409, 420

**Citation :** (2007) 2 PLJR 263

**Hon'ble Judges :** Ghanshyam Prasad, J

**Bench :** Single Bench

**Advocate :** R.S. Pradhan, for the Appellant; Gopesh Kumar and Mr. Nirmal Kumar, for the Respondent

**Final Decision :** Dismissed

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## **Judgement**

Ghanshyam Prasad, J.—Heard. In all the four applications, petitioners as well as opposite parties are same. In all the applications, petitioners have prayed for quashing of criminal proceeding as well as orders of cognizance passed by learned C.J.M., Patna in all complaint cases bearing Nos. 897(M)/05, 534 (M)/04, 994(M)/05 and 1402(M)/05 pending in the court of Shri M. Kumar, Shri P.C. Anal, Shri Bharat Tiwari and M. Kumar, Judicial Magistrate, Patna respectively.

2. In all the four cases, the petitioners are being prosecuted under Sections 420, 406 and 409 I.P.C. along with Section 138 of the N.I. Act for bouncing of four different cheques issued by the petitioners in favour of the opposite party no.2 on different dates. Petitioners are Managing Directors of M/s Baidya Nath Chemical & Carbonisation Company Private Limited, Daltonganj whereas opposite party no.2 is a Government Undertaking Corporation. Petitioners took loan of Rs. 54.50 lacs in the year 1992 from the opposite party no.2. All the four cheques bearing nos. 797818 dated 15.2.2005, 97846 dated 30.1.2005, 978417 dated 15.2.2005 and 978419 dated 15.4.2005 were issued by the petitioners towards

re-payment of loan in favour of opposite party no.2. Cheques were presented by the opposite party no.2 on different dates which all were bounced with endorsement "insufficient fund". Thereafter, all these four cases were lodged by the opposite party no.2.

3. Submission of the learned counsel for the petitioners is that the cognizance in all the four cases have been taken in mechanical manner without applying judicial mind and without any enquiry u/s 202 Cr.P.C. However, facts stated above have not been controverted. The admitted fact is that all the four cheques issued by the petitioners have been bounced. Therefore, in the facts and circumstances of the case as well as admitted position, I am not inclined to interfere in the impugned order of cognizance. Accordingly, all the four petitions are hereby rejected.