

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**Cr.M.P No. 1067 of 2020**

Sanjay Kumar Rao @ Sanjay Kumar Raw ..... Petitioner(s).

Versus

1. State of Jharkhand

2. Nityachand Rout @ Nitay Chandra Rout ..... Opposite Party(s)

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**CORAM : HON'BLE MR. JUSTICE ANANDA SEN.**

**THROUGH : VIDEO CONFERENCING**

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FOR THE PETITIONER(S) : Mr. Mahadeo Thakur, Advocate

FOR THE STATE : Ms. Nehala Sharmin, APP

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02/10.09.2020

Heard learned counsel for the parties through video conferencing. The lawyer have no objection with regard to the proceeding, which has been held through video conference today at 11.00 A.M. They have no complaint in respect to the audio and video clarity and quality.

This case was listed/supposed to be listed before the Lawazima Board for seeking an order in respect of the defect(s), pointed out by the office.

Considering the pandemic situation where the court has minimize the footfall of the lawyers and their clerks in the court, this court felt proper to get all the cases listed before this Court so that the defect(s) can be looked into at this stage only. Thus, this case is listed today before this Court directly.

There are several defect(s) and one of the defect(s) is in respect of the deficit court fee.

Learned counsel appearing for the petitioner(s) undertakes to deposit the deficit court fee within two weeks from today. Rest of the defect(s) stands ignored for the present.

With the consent of the parties, the matter is taken up for hearing on merits.

Petitioner being the complainant is aggrieved by the order dated 25.4.2018 by which complaint filed by this petitioner was dismissed. He is also aggrieved by the revisional order passed in Criminal Revision No. 147 of 2018 wherein he has challenged the order dated 25.4.2018, which was dismissed.

A Complaint was filed by this petitioner alleging therein that he had given loan of Rs. 1 lakh to the accused but the accused did not refund the same. On the facts which has been narrated in the complaint petition, I find that actually no criminal offence is made out rather a money claim has been given the colour of criminal offence. Thus, Magistrate has rightly dismissed the complaint petition. No fault can be found in the impugned order passed by the Magistrate dismissing the complaint. The order of revision also cannot be interfered with.

Accordingly this application stands dismissed.

**(ANANDA SEN , J)**