

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2023 of 2012

Arising Out of Complaint Case No.-383 (C)Year- 2004 District- LAKHISARAI

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1. Sanjiv Kumar @ Sanjiv Singh, S/O Late Jagbali Singh, R/O Vill- Pokharawa, P.S-Kajra (Surajgarha),Distt Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar
2. Ram Chandra Singh, S/O Late Akhileshwar Singh,
3. Pinto Singh S/O Ram Chandra Singh R/O Vill- Pokharawa P.O Kajra (Surajgarha), Distt- Lakhisarai
4. Muchu Singh@ Manto Singh, both are sons of Ram Chandra Singh
All are residents of village - Pokhrawa P.O Kajra (Surajgarha), Distt- Lakhisarai
.. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-04-2015

The petitioner seeks quashing of the order of cognizance dated 22.06.2009 passed by the Sub-divisional Judicial Magistrate, Lakhisarai in Complaint Case No. 383 (C) of 2004 under Section 203 of the Code of Criminal Procedure.

The present complaint was filed on 29.10.2004 by the complainant stating therein that on 15.10.2004, the accused persons had taken away his uncle whereafter he was untraceable. The allegation was that he had been kidnapped for purposes of murder.

Subsequently, the said Jago Singh appeared before the Enquiry Magistrate and made an application that he be examined. Such a prayer was refused by the Enquiry Magistrate so the said Jago

Singh moved before the Sessions Judge in revision, which was allowed without noticing the complainant. The said Jago Singh was then examined on 05.09.2005 by the Enquiry Magistrate. He allegedly stated that he had not been kidnapped by any one. Thereafter the complaint was dismissed on 22.06.2009.

The grievance of the complainant is that the revisional order allowing examination of Jago Singh, who was an imposter, was passed without noticing him and hence, the order of dismissal of complaint on the statement of Jago Singh was illegal. The complainant submits that since Jago Singh was untraceable, there was no question of him having given a statement before the Enquiry Magistrate on 05.10.2005.

To resolve the dispute, this Court had called for a report from the Superintendent of Police concerned with regard to the aforesaid fact. The Superintendent of Police has reported that Jago Singh died on 04.11.2005 i.e. subsequent to the date of his examination on 05.09.2005. All documents in support have been forwarded by the Superintendent of Police.

There is no doubt that the revisional court should not have passed an order without noticing the petitioner for further enquiry however, in view of the subsequent developments, mentioned above, which justifies dismissal of the

complaint, I am not inclined to interfere in the matter.

Hence, finding no merit in the application and the same is dismissed.

(Anjana Prakash, J.)

Vats/-

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