

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 46777 of 2012

Arising Out of PS.Case No. -1400 Year- 2011 Thana -null District- Eastchamparan(Motihari)

K.N. Sahay @ Keshwa Nandan Sahay

.... .. Petitioner/s

Versus

State of Bihar & Anr.

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-11-2015

No one appears on behalf of the petitioner.

The petitioner seeks quashing of the order of cognizance dated 09.12.2011 passed by the Judicial Magistrate, East Champaran at Motihari in Complaint Case No. 1400 of 2011.

The case of the complainant is that on the date of occurrence the accused persons variously armed committed theft of his personal property and also assaulted him.

The counsel for the petitioner submits that evidently the complaint is frivolous and appears to have been filed after he had filed a complaint against this complainant.

The submission of the complainant is that in fact no cognizance was taken in the complaint instituted by the petitioner as against which he moved the Revisional Court which directed further

enquiry but once again the case was dropped. Hence it does not appear that the present complaint has been filed in retaliation.

Having gone through the facts of the complaint petition I do not find good reason for the complainant to proceed further. Hence the application is allowed and the order dated of cognizance dated 09.12.2011 passed by the Judicial Magistrate, East Champaran at Motihari in Complaint Case No. 1400 of 2011 is hereby set aside.

(Anjana Prakash, J)

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