

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31216 of 2009

Arising Out of Complaint Case No. 257(C) Year- 2004 District- EAST CHAMPARAN
(MOTIHARI)

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Jai Narayan Sharma, son of late Kumar Narain Sharma, resident of Mohalla Chowdharitola, P.S. Sultanganj, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ranjan Kumar Singh, son of Shailendra Kumar Singh, resident of village Paesa, Post and Distt. West Champaran. Present address, village and Post Patahi Gadu, P.S. Patahi, Distt. West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Renuka Sharma No. 2, Adv.
Mr. Lakshmi Kant Sharma, Adv.

For the Opposite Party/s : Mr. C. Jawahar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-08-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 29.11.2007 passed by the Sub Divisional Judicial Magistrate, Sikrahna, Motihari, East Champaran, in Complaint Case No. 257(C) of 2004.

The case of the Complainant who is the step sister of the Petitioner is that she learnt that her crops had been stolen away at the instance of the Petitioner and, hence, the present Complaint.

It has been submitted on behalf of the Petitioner that even conceding the allegation of the Complaint petition, no Criminal

offence is made out on merely speculative allegations.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on his behalf.

Having considered the vague nature of allegation and that it would be impossible to prove the charge during Trial which would naturally there be a nullity, the application is allowed and the Proceeding including the order of cognizance dated 29.11.2007 passed by the Sub Divisional Judicial Magistrate, Sikrahna, Motihari, East Champaran, in Complaint Case No. 257(C) of 2004, is hereby set aside.

(Anjana Prakash, J)

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