

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41590 of 2009

Arising Out of Complaint Case No.1271 C Year- 2008 District- WEST CHAMPARAN (BETTIAH)

Dr. Amit Kr. Das, son of Satya Narain Das, resident of Mohalla Shanti Nagar,
Supriya Cinema Road, Bettiah, P.S. Bettiah Town, Distt. West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Tripurari Shukla, son of Shri Sampat Shukla, resident of village Chaudraul,
P.S. Nawalpur, Distt. West Champaran.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kr. No. 7, Adv.

For the State : Mr. A.H.M. Rahman, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-08-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 5.2.2009 passed by the Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Trial No. 203 of 2009 arising out of Complaint Case No. 1271C of 2009.

The case of the Complainant is that his sister-in-law was sought to be treated for Appendix in the Clinic of the Petitioner where the Petitioner asked the Complainant to give Rs.60,000/- for arranging the medical certificate as well as a job in the Health Department. On such assurance, the Complainant gave him Rs.60,000/- after which the Petitioner gave him a photocopy of the Medical Certificate but no service was given to him and, hence, the

present Complaint.

It has been submitted that the present Complaint is frivolous and having based on imaginary oral allegation, it deserves to be set aside.

Considering the above, the application is allowed and order of cognizance dated 5.2.2009 passed by the Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Trial No. 203 of 2009 arising out of Complaint Case No. 1271C of 2009, is hereby, set aside.

(Anjana Prakash, J)

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