

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No. 43412 of 2009**

Arising out of P.S. Case No. -0 Year- null Thana -null  
District- VAISHALI(HAJIPUR)

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Pushpal Kumar Chakarborti @ Pushpal Singh, Son of Late Bashisth  
Narayan Singh, Resident of Village-Deshari, P.S.-Deshari, District-  
Vaishali.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Jha, Adv.

For the Opposite Party/s: Mr. APP.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

ORAL JUDGMENT

**Date: 25-08-2015**

The Petitioner seeks quashing of the order dated  
11.09.2008 passed by the Additional Sessions Judge-III,  
Vaishali at Hajipur in Cr. Rev. No. 383 of 2003 by which  
he has affirmed the order of cognizance dated 29.09.2003  
passed by the Chief Judicial Magistrate, Vaishali at  
Hajipur in Complaint Case No. C2-190 of 2003.

The case of the Complainant is that the  
Petitioner had flouted the prohibitory orders and, hence,  
he should be prosecuted under Section 188 Cr.P.C.

It has been submitted that the Petitioner did  
not do so and, hence, the present Complaint is  
unwarranted.

Having considered the nature of allegations, the  
entire proceeding including the order dated 11.09.2008

passed by the Additional Sessions Judge-III, Vaishali at Hajipur in Cr. Rev. No. 383 of 2003 by which he has affirmed the order of cognizance dated 29.09.2003 passed by the Chief Judicial Magistrate, Vaishali at Hajipur Complaint Case No. C2-190 of 2003 is, hereby, set aside.

The Application stands allowed.

**(Anjana Prakash, J.)**

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