

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32944 of 2009

Arising Out of Complaint Case No. -01(2) Year- 2005 District- PATNA

Sushree Mayawati, daughter of Sri Prabhu Dayal, resident of 13, Mall Avenue, P.S. Sadar, Town & Distt. Lucknow.

.... .. Petitioner/s

Versus

1. State of Bihar
 2. Officer-in-Charge, Traffic Police Station, Patna.
 3. Election Commissioner of India, Nirvachan Bhawan, Patel Chowk, New Delhi.
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chittranjan Sinha, Sr. Adv.
Mr. Rajeev Ranjan Prasad, Adv.
For the State : Mr. Shyameshwar Dayal, A.P.P.
For the Election Commission : Mr. J.P. Karn, Sr. Adv.
Mr. Siddhartha Prasad, Adv.

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 3.1.2005 passed by the Chief Judicial Magistrate, Patna, in Complaint Case No. 01(2) of 2005.

The case of the Complainant who was the Inspector of Police-cum-Officer-in-Charge, Traffic Police Station, Patna, is that on the date of occurrence which was election time, a vehicle bearing Beacon light was found parked somewhere wherein allegedly the Petitioner who is a political person was seated.

It has been submitted that even conceding the allegations, since the car was not registered in her name and she was

merely in occupation for a short while no offence whatsoever would be made out as against her.

The counsel appearing on behalf of the Election Commission is unable to point out any material showing complicity of the Petitioner.

In view of such, the application is allowed and the Proceeding including the order of cognizance dated 3.1.2005 passed by the Chief Judicial Magistrate, Patna, in Complaint Case No. 01(2) of 2005, is hereby, set aside.

(Anjana Prakash, J)

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