

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1057 of 2013

Arising Out of PS.Case No. -1559 Year- 2010 Thana -null District- SASARAM (ROHTAS)

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1. Nirmal Narayan Dubey @ Vijay Narayan Dubey Son Of Late Sri Ram Dubey, Secretary Sri Sanatan Dharm Sanskrit High School, Sasaram
 2. Bibhuti Narayan Dubey Son of Nirmal Narayan Dubey @ Vijay Narayan Dubey, Assistant Teacher, Sri Sanatan Dharm Sanskrit High School, Sasaram, Rohtas, both resident Of Village - Tetari, P.S. Sasaram (M) District - Rohtas
 3. Daya Shankar Pandey Son Of Late Shri Pandey, Resident Of Village - Gangawalia, P.S. Kudra, Distt. - Kaimur At Present Clerk, Sri Sanatan Dharm Sanskrit High School, Sasaram, Rohtas
 4. Anil Kumar Pandey Son Of Late Jagdish Pandey, Assistant Teacher, Sri Sanatan Dharm Sanskrit High School, Sasaram Resident Of Village - Osaon, P.S. Nasriganj, District - Rohtas
 5. Shankar Ram Son Of Late Mewa Ram, Peon, Sri Sanatan Dharm Sanskrit High School, Sasaram, Resident Of Village - Choka, P.S. Garhwa, Distt.-Palamu (Jharkhand)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Suryadeshwar Pandey Son Of Late Baij Nath Pandey, Resident Of Village - Nad, P.S. Sheosagar (Baddi), District - Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Choubey, Advocate

For the Respondent/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-05-2015

The Petitioners seek revision of the order dated 26.8.2013 passed by the District & Sessions Judge, Rohtas at Sasaram in Criminal Revision No.376 of 2012, by which he has allowed the revision and set aside the order dated 14.9.2012 passed by the Judicial Magistrate, 1st class, Sasaram in Complaint case No.1559C of 2010, by which he has dismissed the Complaint.



The case of the Complainant is that the accused persons, who were functionaries of a certain School, threatened the Complainant and demanded a sum of Rs.5 lacs, for which he filed a Miscellaneous case No.393 of 2010. Thereafter they started harassing him in various ways and on the date of occurrence they entered into his office and assaulted him and further demanded the amount of Rs.5 lacs.

It has been submitted on behalf of the Petitioners that they are the Secretary, teachers, Clerk and Peon of the School and the Complainant had been suspended by the Managing Committee on 24.12.2010, which suspension was approved by the Bihar Sanskrit Shiksha Board, Patna on 5.1.2011. The Complainant then filed an appeal vide Appeal No.6 of 2011 before the Director, Secondary Education, Bihar, Patna, who also dismissed the same on 7.7.2011. Being aggrieved with such action having been taken against him he filed the present Complaint evidently with trumped up charges.

On the last occasion notices had been issued to the Opposite Party No.2 but despite service of notice he has chosen not to appear before this Court.

Having considered the background facts, in my opinion, the present Complaint is malicious in nature and deserves to be set aside. Hence, the application is allowed and the order dated 26.8.2013

passed by the District & Sessions Judge, Rohtas at Sasaram in
Criminal Revision No.376 of 2012 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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