

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3837 of 2013**

Arising Out of PS.Case No. -331 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT District-  
WESTCHAMPARAN (BETTIAH)

1. Ashok Kr. Sinha, S/O Sri R.A. Prasad, resident of mohalla Maharaja Hata, P.S.-  
Nawada, District Bhojpur, at present posted as Circle Officer, Bhagwanpur Hat,  
District Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar,  
2. Dr. Rajesh Kr., S/O Vishwa Nath Prasad, resident of mohalla- Belbagh,  
Kargahia Purab, P.S. Bettiah (Muffassil), District West Champaran.

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

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : APP

Mr. Shyam Sundar Pandey, Advocate

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

**ORAL JUDGMENT**

**Date: 30-06-2015**

1. The Petitioner seeks quashing of entire proceeding including the order of cognizance dated 03.11.2012 passed by the Judicial Magistrate, 1<sup>st</sup> class, Bettiah, in Complaint Case No.331-C of 2012.

2. The case of the Complainant was that there was certain cases pending before the authorities in course of which the Complainant on 15.02.2012 sought to file rejoinder with Vakalatnama. However, the Petitioner, who was the Circle Officer, did not permit him to do so and insulted him when he protested and tore the vakalatnama.

3. It has been submitted on behalf of the Petitioner that it is absurd to believe that a person of some authority would

permit such a thing. It is well known that the procedure has to be carried in the manner that has been prescribed. If there was scope of filing rejoinder, there was no way that the Petitioner being the Circle Officer could restrain the Complainant from doing so. Fact of the matter is that the Complainant being enraged on some trivialities created a scene which was attempted to be stopped by him on account of which the present Complaint has been filed.

4. On the other hand, counsel for the Complainant submits that since he was a doctor and responsible person of the locality the Petitioner should not have abused him and hence, he should be put on trial.

5. Having gone through the Complaint Petition, in my opinion, not only the contents of the Complaint Petition are unbelievable, it is also abuse of process of the court.

6. Hence, the order of cognizance dated 03.11.2012 passed by the Judicial Magistrate, 1<sup>st</sup> class, Bettiah, in Complaint Case No.331-C of 2012, is hereby set aside.

7. The application stands allowed.

**(Anjana Prakash, J)**

JA/-

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