

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3353 of 2001

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Jeenat Ara wife of Ahmad Raza (Surgent Major) resident of Saharsa, P.S. Saharsa, District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Shanti Devi wife of late Vidya Nand Paswan, resident of Gobagarah, P.S. Saharsa, District-Saharsa.

.... Opposite Party/s

with

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Criminal Miscellaneous No. 32736 of 2004

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1. Ahmad Raza,
2. Md. Mashkoor Alam &
3. Md. Mazharul Haque, all sons of Md. Nooruddin, resident of Saharsa Police Line, P.S. Saharsa (Kotwali), District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Shanti Devi wife of Late Vidya Nand Paswan, resident of Gobagarh, Police Station-Saharsa, District-Saharsa.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No. 3353 of 2001)

For the Petitioner/s : Mr. Najmul Hoda, Advocate.

For the Opposite Party/s : Mr. M. Kumar , APP.

(In Cr.Misc. No. 32736 of 2004)

For the Petitioner/s : Mr. Najmul Hoda, Advocate.

For the Opposite Party/s : Mr. Reshikesh Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-09-2015

The Petitioners seek quashing of the order of cognizance dated 21.09.1999 passed in Complaint Case No.740C of 1998 by the Chief Judicial Magistrate, Saharsa.

The case of the Complainant is that her husband Vidyanand Paswan was working as Home-guard at Saharsa on the day of occurrence. The accused persons knowing that there was electric

current flowing in the field, directed the complainant's husband to irrigate the fields, when he and another person got electrocuted and died.

Submission of the Petitioners is that no doubt that the person had died on account of electrocution for which reason a U.D. case was instituted. Five months later, the present Complaint was filed with allegation they had also not kept their promise to give her a job and compensation which appears to be the main reason of the Complaint.

On the other hand, the counsel for the Complainant submits that since the Petitioners had directed the Complainant's husband to irrigate the fields whereafter he died they should be put on trial.

Having considered that apart from oral allegations, there is no cogent and corroborative material in support of the ingredients of offence under Section 304A Indian Penal Code which would render the trial a nullity.

The application is allowed and the order of cognizance dated 21.09.1999 passed in Complaint Case No.740C of 1998 by the Chief Judicial Magistrate, Saharsa is hereby set aside. However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

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