

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40105 of 2012

Arising Out of PS.Case No. -804(2) Year- 1990 Thana –Complaint Case District- PATNA

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Lal Babu Sao, S/O Late Modi Sao, R/O Village - Sonmai, P.S. Dhanarua,
District - Patna

.... Petitioner

Versus

The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Patanjali Rishi, Advocate

For the Opposite Party : Mr. Jharkhandi Upadhayay, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 23-04-2015

This Court is virtually shocked to note the gross injustice that was caused to the petitioner herein, who is now aged about 70 years.

On 8.5.1990, the petitioner submitted a complaint before Dhanarua Police Station that when his wife was alighting from a bus, her jewellery were snatched away by one Sadanand Yadav and three unknown persons. Danarua P.S. Case No.3 of 1990 was registered and investigation was taken up. The Investigating Officer found the allegation to be true against named person and one unnamed person. It is not known as to what happened to the case so registered. However, the Investigating Officer submitted a report dated 23.8.1990 before the court of Chief Judicial Magistrate, Patna stating that though the



contents of the complaint submitted by the petitioner herein against Sadanand Yadav and one unknown are found to be correct, his allegation against two unknown persons is found to be not true and that the petitioner deserves to be prosecuted under Section 182 I.P.C. for furnishing wrong information. Thereby the Investigating Officer turned his attention and focus on the petitioner, i.e., the complainant, and made him as an accused.

Such complaint should have virtually been shocked the conscience of the Court which received it. However, the Chief Judicial Magistrate took cognizance of the offence, through order dated 24.1.1994. As a law abiding citizen, the petitioner is attending the Court for the past more than two decades. On finding that there is no end to his misery, that too at this old age, he approached this Court by filing a petition under Section 482 of the Code of Criminal Procedure, with a prayer to quash the order dated 24.1.1994.

Heard Shri Patanjali Rishi, learned counsel for the petitioner and Shri Jharkhandi Upadhyay, learned Additional Public Prosecutor for the State.

The facts mentioned above shocks the conscience of not only the Court but of every one, who hears them. A victim of a crime submitted a complaint and the same was found to be true. It appears that the concerned police officer was unhappy that the allegation



against the person named in the complaint was found to be true. It is quite possible that he was on the pay rolls of the professional thief. Therefore, he vented his ire against the petitioner, by filing a complaint under Section 182 I.P.C.. The fact is that not a single person came forward alleging that he has been falsely implicated by the petitioner. Even that question would have arisen only when the proceedings in the theft case are concluded. It is a matter of shame that there are such disgraceful officers in the Judiciary who have used the powers to prosecute a genuine complainant. The conduct of the officer was more despicable than that of the corrupt police official. But for the fact that the event occurred more than 20 years ago, this Court would have directed initiation of the disciplinary proceedings against the concerned police officer as well as the Judicial Officer who took cognizance of the matter. It is apparent that the petitioner has been harassed with a fraudulent, illegal and outrageous case, registered against him. Equally shocking is the fact that the successive officers did not pay attention to such gross injustice, and are making their own contribution to the brazen illegality. The petitioner needs to be compensated for this.

The petition is allowed and the entire proceedings in Complaint Case No.804(2)/1990/Tr. No.240/2010 are quashed. To compensate the petitioner for harassment, which he is undergoing for

the last 21 years, a sum of Rs.25,000/- (Twenty five thousand) is awarded. The same shall be arranged by the Superintendent of Police, Patna and paid to the petitioner within a period of four weeks from today. If the amount is not paid, it shall be the duty of the concerned trial court to initiate proceedings for realization of the same in accordance with the prescribed procedure and report compliance to this Court. Any deviation, in this regard, shall be treated as an act of misconduct and further steps shall be taken by the Registry, in this regard.

(L. Narasimha Reddy,CJ)

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