

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4320 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- EASTCHAMPARAN(MOTIHARI)

Shabbir Hasan, son of Mukhtar Ahmad, resident of Mohalla-Shivganj, P.O.-
Narkatiaganj, P.S.-Shikarpur, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Chandrika Hajra, son of late Keshwar Hajra, resident of village-Bairiya, P.S.-
Ramgarhwa, District- East Champaran.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeeva Roy, Advocate
For the Opposite Party/s : Mr. Rajeev Kumar Singh, Advocate
Mr. G. Prasad Gupta, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

The Petitioner seeks quashing of the order dated 20.02.2008 passed by the Sessions Judge, East Champaran at Motihari, in Cr. Revision No.417 of 2007 by which he has affirmed the order dated 12.07.2007 passed by the Judicial Magistrate, 1st class, Motihari, in Tr. No.1450 of 2007.

Interesting background facts are that one case was instituted against the present Complainant by the Circle Officer i.e. the Petitioner for the charges of misappropriation of government money. The Complainant was put on trial and convicted for seven years rigorous imprisonment. For the same cause of action, the Complainant filed a Complaint case stating therein that his confession had been recorded forcibly by the Circle Officer i.e. the

Petitioner.

Considering that whether confession was forcibly recorded or not has already been tested during trial and the allegations against the Complainant have been found true, I see no reason why the Petitioner should be put on trial.

Hence, the order dated 20.02.2008 passed by the Sessions Judge, East Champaran at Motihari, in Cr. Revision No.417 of 2007 as also the order dated 12.07.2007 passed by the Judicial Magistrate, 1st class, Motihari, in Tr. No.1450 of 2007 are hereby set aside.

The application stands allowed.

(Anjana Prakash, J)

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