

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50579 of 2012

Arising Out of PS.Case No. -null Year- null Thana -null District- -

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Chandeshwar Nath Choubey S/o Sri Baijnath Chaudhary R/O Vill.Pyarapur, P.S.
Thawe, Distt. Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Rambichar Manghi S/o late Ohurbhari Manjhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-09-2015

The petitioner seeks quashing of the order dated 22.06.2012 passed by the Sessions Judge, Siwan in Cr. Rev. No. 127 of 2010 and the order dated 17.07.2010 passed by the learned Chief Judicial Magistrate, Siwan in Sessions Trial No. 453 of 2010 arising out of Hajipur P.S. Case No. 120 of 2008.

The case of the informant is that he had handed over Rs. 10,000/- as illegal gratification to the petitioner and another person for appointment as peon but despite having taken the money, the accused persons did not procure him a job.

It has been submitted on behalf of the petitioner that it is well known principle of law that if any money is handed over to a person, for illegal purpose, no offence of cheating would be made out against

the accused who had received money.

On the other hand counsel for the complainant submits that since charges have already been framed, the application should be dismissed.

Considering that the allegations are merely oral in nature without any substantial foundation, the application is allowed and the order dated 22.06.2012 passed by the Sessions Judge, Siwan in Cr. Rev. No. 127 of 2010 and the order dated 17.07.2010 passed by the learned Chief Judicial Magistrate, Siwan in Sessions Trial No. 453 of 2010 arising out of Hajipur P.S. Case No. 120 of 2008 are hereby set aside.

(Anjana Prakash, J)

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