

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48880 of 2012

Arising Out of PS.Case No. -14 Year- 2012 Thana -null District- -

1. Ravi Kumar S/O Ajit Singh Resident Of Village- Varma Thaman Bigha, P.S.- Sherghati, District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. Narayan Singh S/o Arjun Singh
3. Khusboo Kumari D/o Narayan Singh, both are r/o vill. Samda, P.S. Sherghati, Dist. Gaya

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Surendra Pd. Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-08-2015

The Petitioner seeks quashing of the order of cognizance dated 30.5.2012 passed by the S.D.J.M., Sherghati, Gaya in Sherghati P.S. case No.14 of 2012 on the ground that final report was submitted.

The case of the Informant is that his daughter aged about 17 years had been kidnapped by the accused persons and hence the case.

During investigation the alleged victim had been recovered and she gave her statement under Section 164 Cr.P.C. wherein she did not incriminate the Petitioner. She was also opined to be a major. In such circumstances, final report was submitted but disagreeing with the final report cognizance was taken.

On the last occasion notices had been issued to the Opposite Parties No.2 and 3 but none appears on their behalf.

Considering the circumstances of the case, in my opinion, the trial would be a nullity and therefore the prosecution deserves to be set aside. Hence, the application is allowed and the proceeding including the order of cognizance dated 30.5.2012 passed by the S.D.J.M., Sherghati, Gaya in Sherghati P.S. case No.14 of 2012 is hereby set aside against all the accused persons.

(Anjana Prakash, J)

Narendra/-

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