

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49582 of 2012

Arising Out of PS.Case No. -104 Year- 2011 Thana -null District- JEHANABAD

1. Surbilla Kumari W/O Surendra Kumar R/O Village - Pahal Bigha, Police Station
- Kako, District - Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-10-2015

The Petitioner seeks quashing of the order of cognizance dated 11.9.2012 passed by the Chief Judicial Magistrate, Jehanabad in Kako P.S. case No.104 of 2011.

The case of the Informant i.e. the Election Officer, Kako-cum-Block Development Officer is that on 14.5.2011 after counting of votes election results were declared and certificate was also issued. Thereafter contestant Shanti Devi complained that there was disparity in the figures of votes of a certain table, at which an enquiry was conducted. It was found that in fact the counting was wrong. At the said table, six accused persons were deputed and hence the present First Information Report.

The Petitioner happens to be the person who had been

wrongly declared elected.

It has been submitted on behalf of the Petitioner that subsequently when the Informant nullified her election she moved the relevant Tribunal, which set aside the said order. In such circumstances evidently the very basis of the First Information Report is under serious threat.

Having considered the relevant documents, I would be inclined to accept the said submissions. Hence, the application is allowed and the proceedings as against all the accused persons including the order of cognizance dated 11.9.2012 passed by the Chief Judicial Magistrate, Jehanabad in Kako P.S. case No.104 of 2011 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

U		T	
---	--	---	--