

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10594 of 2010

Arising Out of PS.Case No. 206 Year- 2003 Thana -null District- SEKHPURA

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1. Ram Autar Sao S/O Sri Rameshwar Sao R/O Moh.-Samachak, Barbigha, P.O.-
& P.S.-Barbigha, Dist.Sheikhpura.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Devendra Prasad Verma S/O Late Rameshwar Swarnkar, resident of Mohalla
Samachak, Barbigha, P.O. and P.S. Barbigha, District Sheikhpura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birju Prasad, Advocate

For the Opposite Party/s : Mrs. Ansuiya Jaiswal, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-09-2015

No one appears on behalf of the Opposite Party No.2.

The Petitioner seeks quashing of the order dated 30.10.2009, by which the Additional Sessions Judge, Sheikhpura in Criminal Revision No.3 of 2008 has affirmed the order of cognizance dated 19.8.2008 passed by the Judicial Magistrate, 1st class, Sheikhpura in Complaint case No.206C of 2003.

The case of the Informant is that on the date of occurrence the accused persons variously armed started to threaten and assaulted him, on account of which he was injured.

It appears that after due investigation final report was submitted in the matter, which was accepted by the Court below.

Thereafter on remand on the basis of protest-cum-Complaint Petition, the proceeding was initiated.

On going through the facts of the Complaint, I am unable to convince myself that any criminal offence is made out in the nature of sweeping allegations having been levelled by the Informant therein. Hence, the application is allowed and the proceeding including the order dated 30.10.2009 passed by the Additional Sessions Judge, Sheikhpura in Criminal Revision No.3 of 2008 as also the order of cognizance dated 19.8.2008 passed by the Judicial Magistrate, 1st class, Sheikhpura in Complaint case No.206C of 2003 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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