

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 29354 of 2008

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1. Sumit Sen Editor at 105/7A S.N. Banerjee Road Kolkata 700014
 2. Raj Kumar Assistant Resident Editor

.... Petitioner/s

Versus

1. State of Bihar.
2. The State health Society Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ojha, Adv.

For the State : Mr. C. Jawahar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

4 08-05-2015 The petitioners seek quashing of the order of cognizance dated 18.04.2007 passed by the Chief Judicial Magistrate in Complaint Case No. 1123 M of 2007.

The case of the complainant is that a news item was published in the Times of India on 17.04.2012 with regard to doctors war on the State Health Society and some other proclamation. According to the complainant the news item was defamatory.

On the last occasion notices had been issued to the O.P. No. 2 but despite service of notice none appears on his behalf.

The submission of the petitioners is that without being specified as to how they were involved in the publication of this news they are sought to be prosecuted even though it is well

known principle that in a criminal case personal culpability has to be considered before issuance of summons.

Having considered the facts of the case and the nature of allegations, I am inclined to agree with the submissions so raised by the petitioner. Hence the application is allowed and the order of cognizance dated 18.04.2007 passed by the Chief Judicial Magistrate in Complaint Case No. 1123 M of 2007 is hereby quashed.

(Anjana Prakash, J)

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