

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.31594 of 2008**

Arising Out of Complaint Case No. 1095(C) Year- 2006 District- BUXAR

Kamta Chaubey, son of Ram Govind Choubey, resident of village Sikroul, P.S. Rajpur, Distt. Buxar.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Bharat Narayan Mishra

Son of Maharshi Khaki Baba, resident of village Vishwamitra Aashram, Chanitravan, Buxar, Distt. Buxar.

.... .... Opposite Party/s

with

**Criminal Miscellaneous No. 52391 of 2008**

Arising Out of PS.Case No. 1095(C) Year- 2006 District- BUXAR

1. Uday Narayan Rai, son of Rammurat Rai, resident of village Civil Lines, Buxar, P.S. Buxar (Town), Distt. Buxar.
2. Ishwarchandra Kumar, son of Anand Kumar, Veer Kunwar Singh University, Ara, at present r/o 181-B, Sri Krishnapuri, Patna, P.S. Srikrishnapuri, Distt. Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar

2. Bharat Narayan Mishra, son of Maharshi Khaki Baba, resident of village Vishwamitra Aashram, Charitravan, Buxar, Distt. Buxar.

.... .... Opposite Party/s

**Appearance :**

**(In Cr.Misc. No. 31594 of 2008)**

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

Mr. Pramod Kumar, Adv.

For the State : Mr. S. Dayal, A.P.P.

**(In Cr.Misc. No. 52391 of 2008)**

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

Mr. Pramod Kumar, Adv.

For the State : Mr. Z. Hoda, A.P.P.

For the Opposite Party No. 2 : Mr. Ram Naresh Sharma, Adv.

Mr. Ram Narayan, Adv.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 19-05-2015**

Heard learned counsel for the Petitioners and the State.

The Petitioners who are working in MV College, Buxar, seek quashing of the order dated 5.3.2008 passed by the Judicial Magistrate, 1<sup>st</sup> Class, Buxar in Complaint Case No. 1095(C) of 2006.

The case of the Complainant is that he used to work as a Lecturer in the said college and retired honourably, but, the accused persons withheld his salary ten months before his retirement and later on was not given pension.

It has been submitted on behalf of the Petitioners that the past of the Complainant was not confirmed and, hence, he was dismissed from service. It was for this reason that his salary was stopped and pension was not given to him. Being aggrieved this, he moved this Court as also the Apex Court but in both the Forums, he lost. In such circumstances, his grievance with regard to stoppage of salary and pension is not sustainable. In any view of the matter, it is an administrative issue and not criminal.

On the other hand, the counsel for the Complainant submits that in fact, both the Forums have given favourable orders and, hence, the Complaint should go on.

Having gone through the contents of the Complaint petition, I am unable to convince myself that any Criminal offence is made out in the facts of the case.

Hence, the application is allowed and the Proceeding including the order dated 5.3.2008 passed by the Judicial Magistrate, 1<sup>st</sup> Class, Buxar, in Complaint Case No. 1095(C) of 2006 is hereby set aside.

**(Anjana Prakash, J)**

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