

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22078 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- NAWADA

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Sohar Yadav, son of late Ramdhani Yadav, resident of village-Jhikarua, P.S.-
Narhat, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ratan Mahto @ Ratan Yadav, son of late Buddhan Yadav, resident of village-
Jhikarua, P.S.-Narhat, District- Nawadah.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Narayan, Advocate

For the Opposite Party/s : Mr. S. M. Rahman, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

The Petitioner seeks quashing of the order of
cognizance dated 20.02.2009 passed by the Sub-Divisional Judicial
Magistrate, Nawada, in Complaint Case No.956 of 2006.

The case of the Complainant is that certain Sale Deeds
were got executed by setting up the name of his son even though he
has no son by the name of Naresh Prasad.

It has been submitted on behalf of the Petitioner that
this is factual matter which cannot be decided either way in the
criminal court. In such circumstances, the trial would be a nullity.

On the last occasion, notice had been issued to the
Opposite Party No.2 but none appears on his behalf.

Hence, the order of cognizance dated 20.02.2009

passed by the Sub-Divisional Judicial Magistrate, Nawada, in Complaint Case No.956 of 2006, is hereby set aside in so far as the Petitioner is concerned.

The application stands allowed.

(Anjana Prakash, J)

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