

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12692 of 2010

Arising Out of PS.Case No. -184 Year- 2005 Thana – Bidupur District- VAISHALI(HAJIPUR)

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1. Dr.Rajeshwar Prasad Chaurasia, son of Late Ram Chandra Chaudhary, resident of Village- Kanchanpur, P.S.-Bidupur, Distt.- Vaishali.
 2. Dr. Braj Nandan Chaudhary, son of late Dhanu Chaudhary, Resident of Village- Kanchanpur, P.S.-Bidupur, Distt.- Vaishali
 3. Dr. Rakesh Prasad Singh, son of late Naval Kishore Singh, resident of Village- Rahimpur, P.S. Bidupur, District- Vaishali.

.... Petitioners

Versus

1. The State of Bihar
2. Dr. Brajendra Narayan Prasad S/o Ram Narayan Prasad presently posted as I/C Medical Officer, Primary Health Centre, Bidupur, Distt. -Vaishali

.... Opposite Parties

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Appearance :

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

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-09-2015

The Petitioners seek quashing of the order of cognizance dated 21.11.2009 passed in Criminal Miscellaneous No. 166 of 2009 by the Additional Sessions Judge II, Vaishali at Hajipur by which he has affirmed the order of cognizance dated 05.06.2009 passed by the Chief Judicial Magistrate, Vaishali at Hajipur in Bidupur P.S. Case No. 184 of 2005.

The case of the informant is that he found 95 persons including the present petitioners who were not medical practitioners describing themselves as Doctors without any degree, which was against the provisions of Indian Medical Control Act, 1956 and, hence

the present complaint.

It has been submitted that not a single witness has appeared to say that the petitioners have either represented themselves as Allopathic practitioner and in fact, they have valid degree from the Institute of Homeopathy, which documents are annexed, hence, they have committed no wrong.

The learned A.P.P. after perusal of the case diary is unable to point out that there is no cogent material as against the petitioners in regard to the allegations contained in the First Information Report.

Hence, the application is allowed and the proceeding including the order of cognizance dated 21.11.2009 passed in Criminal Miscellaneous No. 166 of 2009 by the Additional Sessions Judge II, Vaishali at Hajipur is hereby set aside.

(Anjana Prakash, J)

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