

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7471 of 2010

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

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Pramod Kumar Aggarwal @ Minni

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
Mr. Awadhesh Kr.Singh

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

No one appears on behalf of the O.P. No. 2.

The petitioner seeks quashing of the order dated 21.12.2009 passed in Criminal Revision no. 646 of 2001 by the Additional District and Sessions Judge, Fast Track Court no. 1, Samastipur by which he has affirmed the order of cognizance dated 25.09.2001 passed by the learned Judicial Magistrate in Complaint Case No. 50 of 1988.

The case of the complainant is that on the date of occurrence he got an information that his house had been burned.

It is submitted on behalf of the petitioner that initially a first information report had been instituted on the basis of these allegations which ended in a final report with recommendation that the informant be proceeded under the provisions of Section 182/211

Cr. P.C. It was then the complainant filed the protest petition which was treated as complaint and cognizance has been taken.

It has been submitted on behalf of the petitioner that evidently the allegations are purely oral in nature without any corroborative evidence and hence the trial would be a nullity.

Having considered the aforesaid, I would be inclined to agree with the submissions so raised on behalf of the petitioner. Hence the application is allowed and the order dated 21.12.2009 passed in Criminal Revision no. 646 of 2001 by the Additional District and Sessions Judge, Fast Track Court no. 1, Samastipur and the order of cognizance dated 25.09.2001 passed by the learned Judicial Magistrate in Complaint Case No. 50 of 1988 are hereby set aside.

(Anjana Prakash, J)

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