

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27032 of 2010

Arising Out of PS.Case No. -1750 Year- 2009 Thana -null District- BHAGALPUR

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1. Dr.Arjun Kumar Singh @ Dr.Arjun Prasad son of late Sobhi Singh, resident of Mayaganj road, west to D.M. residence, P.S. Barari, Town & District Bhagalpur
 2. Dr. Kailash Chaudhary son of Sri Ram Narayan Choudhary, resident of Qr. No.3 (Demonstrator's quarter), Doctors colony, Tilkamanjhi, P.S. Barari, Town & District Bhagalpur
 3. Suresh Prasad Sah son of late Lalji Sah, resident of mohalla Surkhikal road, P.S. Barari, Town & District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Srimati Devi @ Noorjahan, wife of late Md. Shamid, resident of Mohalla Jawaharlal Medical College, Brari (Kotwali), P.S. Brari, District Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K. Jha, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP
For Opposite Party No.2 : Mr. R.B. Roy Raman, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-02-2015

The Petitioners, who are functionaries of Jawahar Lal Nehru Medical College, Bhagalpur, seek quashing of the order dated 25.5.2010 passed by the Sub Divisional Judicial Magistrate, Bhagalpur in Complaint case No.1750 of 2009.

The case of the Complainant is that she was the wife of Md. Shamid, who was an employee of the Hospital. After the death of her husband Md. Shamid took her signatures and got compassionate appointment. As against this she moved the Hon'ble High Court which directed that an enquiry be conducted. However, a shoddy enquiry was done, in which the Complainant was not noticed. In the

meanwhile, the Petitioners, who were functionaries of the Hospital, gave compassionate appointment to Md. Shamid. Even though she had been agitating her cause no action has been taken by them.

It has been submitted on behalf of the Petitioners that even conceding the entire allegations in the Complaint Petition no criminal offence is made out. If there is any grievance with regard to the claim of the Complainant, it can be agitated at other levels but not in a criminal court.

On the other hand, the Counsel for the Complainant submits that since the Petitioners despite specific direction of this Court in a writ application had not acted in accordance with the directions, hence they should be prosecuted.

Having gone through the Complaint Petition and the submissions, I fail to convince myself that any criminal offence against the accused is made out in the facts of the case.

Hence, the application is allowed and the proceeding including the order dated 25.5.2010 passed by the Sub Divisional Judicial Magistrate, Bhagalpur in Complaint case No.1750 of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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