

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.629 of 2003

Arising Out of PS.Case No. -14 Year- 1995 Thana -null District- PATNA

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Ramesh Chandra Sinha son of late J.P. Sinha, resident of Patna, P.S. Pirbahore,
District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sailendra Kumar son of Dr. Mahabir Das, retired Director in Chief Health Services, resident of East Boring Canal road (in a lane beside Rai Jee Hotel), P.S. Badha Colony, District Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-06-2015

The Petitioner seeks revision of the order dated 12.8.2003, by which the Judicial Magistrate, 1st class, Patna has refused an application under Section 258 Cr.P.C. in Harijan P.S. case No.14 of 1995.

The case of the Complainant is that the Petitioner, who was the Chairman of the Bihar State Pollution Control Board, abused him as also the other accused persons assaulted him on account of a petty dispute.

The background facts are that the Petitioner had suspended the Complainant on 19.7.1993 on account of various irregularities and misconduct, which order of dismissal was affirmed even by this Court vide C.W.J.C. No.2435 of 1996. Submission is that it is in order to

wreak vengeance he filed a frivolous case before the Harijan Police Station alleging that he had been assaulted by the Security Guard of the Bihar State Pollution Control Board. Evidently in the background facts the present Complaint is nothing but an abuse of the process of the Court, which deserves to be set aside.

It appears that the Hon'ble Supreme Court had quashed a similar Complaint vide Criminal Appeal No.1010 of 2003 by judgment dated 18.8.2003 in regard to Harijan P.S. case No.16 of 1994 in between the same party.

Having considered the aforesaid, the application is allowed and the proceeding including the order dated 12.8.2003 passed by the Judicial Magistrate, 1st class, Patna in Harijan P.S. case No.14 of 1995 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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