

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 36112 of 2014

Arising out of P.S. Case No. -684 Year- 2013 Thana -PURNIA
COMPLAINT CASE District- PURNIA

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Lav Kush Choudhary S/o Late Ram Lakha Choudhary at present
posted as Block Development Officer, East Block, Purnea, P.S.
Sadar, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajay Kumar, Son of Late Damodar Prasad Ambastha, Advocate,
Civil Court, Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Adv.

For the Opposite Party/s : None.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

No one appears on behalf of the Opposite Party

No. 2 despite the case having been mentioned with
consent.

The Petitioner seeks quashing of the entire
proceeding including the order of cognizance dated
16.08.2013 passed by the Judicial Magistrate, 1st Class,
Purnea in Complaint Case No. 684 of 2013.

The case of the Complainant is that his father
filed an application before the Block Development Officer
for re-fixation of pension. However, one Clerk demanded
illegal gratification for putting up the file. The
Complainant then complained before the Deputy Collector
but no action was taken in its regard even while his

mother approached this Court for fixation of pension. When the Complainant came to Petitioner and other officials they abused him and said that the service-book had been sent to the Accountant General.

It has been submitted on behalf of the Petitioner that evidently the Complainant was given pension as is evident from Annexure-4 series. It has further been submitted that the application was filed in the year 2006 by the Complainant whereas the Petitioner joined only in 2010 and after his joining service he took all steps for ensuring payment of pension as is evident from the Annexure-4 series.

Considering such aspects of the matter, the entire proceeding as against all the accused persons including the order of cognizance dated 16.08.2013 passed by the Judicial Magistrate, 1st Class, Purnea in Complaint Case No. 684 of 2013 is, hereby, set aside.

The application stands allowed.

(Anjana Prakash, J.)

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