

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37999 of 2011

Arising Out of Complaint Case No. 456 Year- 2006 District- NAWADA

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Shrimati Krishna Mani Kumari Sinha, W/O Late Ashok Kumar, Resident Of
Village- Siswan, P.S. & District- Nawadah.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rajo Paswan, S/O Late Rama Paswan, Resident Of Village- Siswan, P.S. &
District- Nawadah.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
Mr. Bipin Kumar, Adv.
For the State : Mr. C. Jawahar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 03-02-2015

No one appears on behalf of the Opposite Party No. 2.

The Petitioner seeks quashing of the order dated 16.6.2011 passed by the 1st Additional Sessions Judge, Nawada, in Spl. (H) Case No. 11 of 2008 arising out of Complaint Case No. 456 of 2006.

The case of the Complainant instituted on 30.6.2006 is that on the date of occurrence the accused persons forming an unlawful assembly came to the place of occurrence and on the orders of the Petitioner, assaulted and injured her daughter Nilam Kumari. The accused also abused her taking her caste name. It appears that for the occurrence of 24.6.2006 one Mahendra Paswan had instituted a case against a number of accused persons where the Petitioner was not

named. A counter case was also instituted by one accused Munna Singh against the Prosecution Party for having injured two persons. A full fledged Trial was held in the case instituted by Mahendra Paswan wherein the subject matter with regard to the assault upon Nilam Kumari, daughter of the Informant was adjudicated. After a full fledged trial, the accused mentioned therein were convicted. Not a single witness, some of whom were also witnesses in the present Complaint, named the present Petitioner, who is a lady. It is in these facts, that the Petitioner seeks quashing of the impugned order.

Having gone through the background facts of the case, I would be inclined to hold that this appears to be the third Complaint filed after an undue delay for an occurrence in which the daughter of the Complainant was injured. The accused for the same were put on trial and hence this subsequent Complaint for the same occurrence is unjustified and appears to have been filed for political reasons.

In view of such, the application is allowed and the order dated 16.6.2011 passed by the 1st Additional Sessions Judge, Nawada, in Spl. (H) Case No. 11 of 2008 arising out of Complaint Case No. 456 of 2006 so far as the present Petitioner is concerned, is hereby set aside.

(Anjana Prakash, J)

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