

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37585 of 2008

Arising Out of PS.Case No. -43 Year- 2008 Thana -null District- GOPALGANJ

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Ramagya Rai S/o late Indradeo Rai, resident of village Gola road, Danapur, Distt. Patna, at present S.H.O. Mohammadpur, P.S., Dist. Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi w/o Sudish Kumar Yadav, resident of village Mangalpur, P.S. Mohammadpur, Distt. Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh @ Anil, Advocate

For the State : Mr. Mustaque, APP

For Opposite Party No.2 : None

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-06-2015

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

The Petitioner seeks quashing of the order dated 3.7.2008 passed by the District & Sessions Judge, Gopalganj in Criminal Revision No.178 of 2008, by which he has affirmed the order of cognizance dated 19.3.2008 passed by the Judicial Magistrate, 1st class, Gopalganj in Complaint case No.43 of 2008 (Trial No.2556 of 2008).

The case of the Complainant is that during Panchayat elections a Bolero vehicle of the Complainant was seized by the Officer Incharge of Uchkagaon Police Station and later on released in favour of her husband. In the said vehicle Rs.53,000/- was being kept, which was also released by the police in pursuance of the order of the

Court. However later on, on false charges a case was instituted against her husband to harass them.

It has been submitted on behalf of the Petitioner that as admitted by the Complainant the vehicle was seized but later on handed over to the husband but on the basis of the forged documents. When the Officer-Incharge came to know of the factum of forgery from authorities at Jalpaiguri, he gave a notice to the husband of the Petitioner to produce the vehicle in the Police Station which was denied. Thereafter further action was taken against him. In retaliation the present Complaint was filed on trumped up charges.

Having gone through the background facts of the case, I am inclined to agree that the present Complaint has been filed for ulterior reasons with a view to harass the government servants and to create a defence on the official action taken against them.

In view of such, the application is allowed and the order dated 3.7.2008 passed by the District & Sessions Judge, Gopalganj in Criminal Revision No.178 of 2008 as also the order of cognizance dated 19.3.2008 passed by the Judicial Magistrate, 1st class, Gopalganj in Complaint case No.43 of 2008 (Trial No.2556 of 2008) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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