

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13915 of 2013

Arising Out of PS.Case No. -101 Year- 2011 Thana -BEERPUR District- BEGUSARAI

Pankaj Kumar Singh @ Pankaj Mukhiya S/O Late Ram Srovar Prasad Singh
Resident of Village- Birpur, P.S.- Birpur, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mina Devi.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-09-2015

The petitioner seeks quashing of the order of cognizance dated 13.08.2012 passed by the Judicial Magistrate 1st Class, Begusarai in Birpur P.S. Case No. 101 of 2011.

The case of the informant is that on the date of occurrence the accused persons came upon her land and started assaulting her and her son on account of which they were seriously injured.

It has been submitted on behalf of the petitioner that fact of the matter is that there is a title suit pending between the parties and the informant had attempted to dispossess the petitioner and having failed to do so, instituted the present case against him. Further the injury suffered by the two injured were simple in nature and does not corroborate the prosecution case.

On the last occasion notices had been issued to the O.P. No. 2 as well as the case diary was called for but none appeared on her behalf nor the case diary received. In such circumstances, the petitioner produces a photo copy of the case diary. Let it be kept on record. It appears that independent witnesses had stated that the land is claimed by both the parties and injuries were simple in nature.

Considering the aforesaid facts, the application is allowed and the order of cognizance dated 13.08.2012 passed by the Judicial Magistrate 1st Class, Begusarai in Birpur P.S. Case No. 101 of 2011, is hereby set aside.

(Anjana Prakash, J)

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