

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38802 of 2012

Arising Out of PS.Case No. -475 Year- 2011 Thana -null District- SUPAUL

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1. Mahendra Prasad Yadav S/O Sri Shiv Nath Yadav Resident Of Village Paitra Tola, P.O. & P.S. Pirpaiti, District Bhagalpur.
2. Umesh Prasad Yadav @ Laddu Yadav S/O Late Laxmi Yadav
3. Anil Kumar S/O Sri Umesh Prasad Yadav @ Laddu Yadav
4. Sunil Kumar @ Bablu Yadav S/O Sri Umesh Prasad Yadav @ Laddu Yadav all are R/O Village Vidya Nagar Guriya, P.S. Jadiya, District Supaul.

.... Petitioner/s

Versus

1. State Of Bihar.
2. Geeta Devi W/O Chitnarayan Yadav R/O Village Latauna, P.S. Triveniganj, District Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Suresh Pd. Singh, APP

For Opposite Party No.2 : Mr. Sanjeev Nikesh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-07-2015

The Petitioners seek quashing of the order of cognizance dated 20.7.2012 passed by the Judicial Magistrate, 1st class, Supaul in Complaint case No.475C of 2011.

The case of the Complainant is that the accused persons in connivance with each other got the vehicle of the husband of the Complainant seized and thereafter released it in favour of the Petitioner No.3.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Petitioner No.3 had instituted Triveniganj P.S. case No.137 of 2010 under Section 302 I.P.C. In this course the vehicle was seized which was claimed to be that of the Petitioner

No.3. It was then ordered to be released by the Police Officer on bond. Subsequently the Court revised the order and released the vehicle in favour of the Complainant. It has further been submitted that in such circumstances no case of theft or any other criminal offence is made out.

On the other hand, the Counsel for the Complainant submits that for the same cause of action two Complaints were instituted, one by the Petitioner No.3 and the other by the Complainant. Both the Complaints in their interest should be set aside since now the matter of the ownership of the vehicle is no longer subjudice before the Court.

Considering the reasonableness of the prayer, the application is allowed and the order of cognizance dated 20.7.2012 passed by the Judicial Magistrate, 1st class, Supaul in Complaint case No.475C of 2011 is hereby set aside. Also Complaint case No.465 of 2011 pending in the court of the Judicial Magistrate, 1st class, Supaul is set aside.

Application stands allowed with the aforesaid observations.

(Anjana Prakash, J)

Narendra/-

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