

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36574 of 2012

Arising Out of Complaint Case No. -615 Year- 2011 District- MADHUBANI

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1. Binod Kumar @ Binod Kumar Kumar, S/O Late Tarni Kumar
 2. Ranjan Devi, W/O Sri Binod Kumar @ Binod Kumar Kumar
- Both Resident Of Village- Ladma, P.S- Alamnagar, District- Madhepura.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Madan Lal Bhagat, S/O Late Lakshmi Bhagat, Resident Of Village- Ladma, P.S- Alamnagar, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar No. 1, Adv.

For the State : Dr. Indihar Kumari, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-05-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 5.5.2012 passed by the Sessions Judge, Madhepura, in Criminal Revision No. 16 of 2012 by which he has affirmed the order of cognizance dated 2.12.2011 passed by the Judicial Magistrate, 1st Class, Madhepura, in Complaint Case No. 615 of 2011.

The case of the Complainant is that on the date of occurrence, the Petitioners along with some other accused persons came upon his land and looted away Rs.25,000/- and also demanded money from him.

A legal notice was sent to the B.D.O. and C.O. in this regard and, thereafter, the present Complaint has been filed.

It has been submitted on behalf of the Petitioners that

Petitioner No. 2 is Mukhiya whereas Petitioner No. 1 is her husband and he had gone along with C.O. and BDO to the place of occurrence for implementing a government order. Being aggrieved, the Complainant filed the present Complaint with trumped-up charges of theft.

On the last occasion, notices had been issued to the Opposite Party No. 2 but despite service of notice, he has chosen not to appear before this Court.

Having gone through the facts of the case, I would be inclined to hold that the present Complaint is frivolous and deserves to be set aside.

Hence, the application is allowed and the entire Proceeding including the order dated dated 5.5.2012 passed by the Sessions Judge, Madhepura, in Criminal Revision No. 16 of 2012 and the order of cognizance dated 2.12.2011 passed by the Judicial Magistrate, 1st Class, Madhepura, in Complaint Case No. 615 of 2011 are hereby set aside.

(Anjana Prakash, J)

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