

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43378 of 2012

Arising Out of Chhatapur P.S. Case No. -68 Year- 2011 District- SUPAUL

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Asha Devi, W/O Ashok Kumar Bhagat, R/O Village - Chhatapur, P.S. Chhatapur,
District - Supaul

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, Adv.
Ms. Rekha Mukund, Adv.

For the State : Mr. Ram Anurag Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 17.9.2012 passed by the Judicial Magistrate, 1st Class, Supaul, in Chhatapur P.S. Case No. 68 of 2011.

The case of the Informant is that on the date of inspection, he found that the Petitioner being Angan Bari Sevika was not distributing grains as per procedure and, hence, the present First Information Report.

During investigation, none of the witnesses supported this allegation and in fact, there was positive material that the Petitioner was performing public duty to best of her ability. Later, the Supervising Officer was of the opinion that since the very same

witnesses had signed as witnesses against the Petitioner, charge sheet be submitted against her and she be put on Trial.

Having considered that when the Trial is dependent on the evidence of the witnesses, none of whom supported the First Information Report, the Trial would be a nullity and, hence, the application is allowed and the order of cognizance dated 17.9.2012 passed by the Judicial Magistrate, 1st Class, Supaul, in Chhatapur P.S. Case No. 68 of 2011, is hereby set aside.

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(Anjana Prakash, J)

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