

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 19531 of 2008

Arising Out of PS.Case No. -0 Year- null Thana -null District- BHAGALPUR

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1. The State of Bihar Thru. D.M.,Bhagalpur.
 2. Divesh Sehara.
 3. Manoj Kumar.
 4. Rajesh Kumar Tiwary.

.... Petitioner/s

Versus

Awadhesh Kumar Sharma

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
Mr. Shishir Kumar

For the Opposite Party/s : Mr.
Mr. Tarun Prasad Mandal

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-05-2015

The petitioners seek quashing of the order dated 26.04.2008 by which the Judicial Magistrate 1st Class Bhagalpur has taken cognizance in Complaint Case No. C-612 of 2008.

The complainant who is an advocate has grievance with the District Administration and submits that in the process of demolition some chambers of the advocates were also demolished

It has been submitted on behalf of the petitioners that no doubt demolition drive had been undertaken by the District Administration in the interest of public at large but illegal constructions had been demolished and there was no intention to harm somebody much less the advocates and hence the prosecution should be set aside.

Counsel for the complainant submits that having indulged in the act of demolition of lawyers Chambers they should be put on trial.

Having considered the factual aspects of the complaint petition, I would be inclined to hold that in the interest of justice, the order dated 26.04.2008 by which the Judicial Magistrate 1st Class Bhagalpur has taken cognizance in Complaint Case No. C-612 of 2008 be set aside.

In view of such, the application stands allowed.

However, this order shall not give any undue advantage to any one.

(Anjana Prakash, J)

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