

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.771 of 2005

Arising Out of PS.Case No.99 Year- 2005 Thana -null District- MADHEPURA

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1. Shyam Sunder Jha son of Kripa Nath Jha
 2. Kripa Nath Jha son of late Baldeo Jha
 3. Sashikant Jha son of Kripa Nath Jha
 4. Shatrughan Jha son of Kripa Nath Jha
 5. Indra Mohan Jha son of Kripa Nath Jha, all resident of Chauri, P.S. Sakori, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Gariban Paswan s/o late Nirbhay Paswan, resident of Chauri, P.S. Sakri, District Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. R. Sinha, Advocate

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

No one appears on behalf of the Opposite Party No.2.

The Petitioners seek revision of the order of cognizance dated 15.9.2005 passed by the Chief Judicial Magistrate, Madhubani in C.R. No.99 of 2005.

The case of the Complainant is that when he was sitting in a Community Hall, the Petitioner No.1 came and assigned him the work of cutting a Shisham tree. He did so but later the accused persons refused to give him his payment and when he demanded the same he was abused and assaulted.

It has been submitted on behalf of the Petitioners that in

fact the Complainant has been set up by his son, against whom the wives of Petitioners No.1 and 3 had challenged his appointment as Shiksha Mitra. The present Complaint is anyways frivolous and deserves to be set aside.

Having gone through the facts of the Complaint Petition, I am inclined to agree with the submissions so raised on behalf of the Petitioners. Hence, the application is allowed and the proceeding including the order of cognizance dated 15.9.2005 passed by the Chief Judicial Magistrate, Madhubani in C.R. No.99 of 2005 is hereby set aside.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

Narendra/-

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