

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31818 of 2009

Arising Out of Complaint Case No.1142 Year- 2005 District- BHAGALPUR

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Raj Kishore Baitha, son of late Ram Briksha Baitha, village Barharwarf, Sivan, P.S. Dhaka, Distt. East Champaran at present Officer in-Charge, Ashok Paper Mill, Distt. Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Hari Prasad Yadav, son of late Rameshwar Yadav, village Govindpur, P.S. Chandan, Distt. Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekher Singh, Adv.

For the State : Mr. C. Jawahar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-08-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 28.7.2006 passed by the Chief Judicial Magistrate, Banka, in Complaint Case No. 1142 of 2005 and the order dated 17.2.2008 by which the Sessions Judge, Bhagalpur, in Criminal Revision No. 380 of 2007 affirmed the said order.

The case of the Complainant is that on the date of occurrence, the accused persons abused them and when he protested, he was assaulted with fists and slaps.

The submission of the Petitioner is that he was an Officer-in-Charge, Katoria Police Station and Katoria P.S. Case No. 69 of 2005 has been instituted under Sections 384, 386 and other

offences against the son of the Opposite Party No. 2 and others. After due investigation, charge sheet was submitted in the matter. Being aggrieved with such an act, the present Complaint has been filed with frivolous charges.

On the last occasion, notices had been issued to the Complainant, but none appears on her behalf.

Having considered the background facts, the application is allowed and the Proceeding including the order of cognizance dated 28.7.2006 passed by the Chief Judicial Magistrate, Banka, in Complaint Case No. 1142 of 2005 and the order dated 17.2.2008 passed by the Sessions Judge, Bhagalpur, in Criminal Revision No. 380 of 2007, are hereby set aside.

(Anjana Prakash, J)

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