

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42120 of 2006

Arising Out of Complaint Case No.54C Year- 2014 District- BEGUSARAI

Dr. Prabhat Kumar, son of late Acharya Kapiljee, resident of village Chowki, P.S. Sahebur Kamal, Distt. Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Natho Sada, son of Ramavtar Sada, resident of village Chowki, P.S. Sahebur Kamal, Distt. Begusarai.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chitranjan Sinha, Sr. Adv.
Mr. Abhishek Anand, Adv.
Mr. Parth Sarthy, Adv.
For the State : Mr. C. Jawahar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 31-08-2015

Heard learned counsel for the Petitioner and the State.

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

The Petitioner seeks quashing of the order dated 23.8.2005 passed by the Additional Sessions Judge, F.T.C. V, Begusarai, in Criminal Revision No. 168 of 2004/16 of 2004 by which he has affirmed the order of cognizance dated 22.3.2004 passed by the Judicial Magistrate, 1st Class, Begusarai, in Complaint Case No. 54C of 2004.

The case of the Complainant is that he is a poor person and was residing with his family in a hut but the accused persons had forced him to vacate the huts as also set fire to it. It was then, the present Complaint was instituted.

It has been submitted on behalf of the Petitioner that on a representation on behalf of the Complainant and others, before the Collector, Begusarai, the Circle Officer conducted an enquiry. He then gave an adverse report upon which the Complainant and others started threatening the local administration with self immolation. Several litigations were initiated in regard to the said land at various levels and thereafter the present Complaint was filed.

Having considered the factual aspect of the matter as also the nature of allegation, I would be inclined to hold that the present Complaint has been filed with an ulterior motive in order to somehow capture the land upon which they were illegal occupants.

In view of such, the application is allowed and the Proceeding including the order dated 23.8.2005 passed by the Additional Sessions Judge, F.T.C. V, Begusarai, in Criminal Revision No. 168 of 2004/16 of 2004 as also the order of cognizance dated 22.3.2004 passed by the Judicial Magistrate, 1st Class, Begusarai, in Complaint Case No. 54C of 2004, as against all the accused persons, is hereby set aside.

(Anjana Prakash, J)

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