

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13283 of 2010

Arising Out of PS.Case No. 651 Year- 2006 Thana -null District- PATNA

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1. Chandra Mohan Rai Saxena Son Of Ramji Rai Saxena Resident Of Diwan Mohalla, P.S.- Khajekalan, District- Patna
 2. Suyash Prakash Son Of Late Satya Prakash Resident Of Chowk, P.S.- Chowk, District- Patna
 3. Dalbir Singh Son Of Mangal Singh Resident Of Kankarbagh, P.S.- Patrakarnagar, District- Patna
 4. Shamsheer Singh Son Of Late S.Ram Singh Resident Of Pua Gali, Jhauganj, Patnacity, P.S.- Chowk, District- Patna
 5. Harvinder Singh Arora Son Of Late Jodh Singh Resident Iof Bare Ki Gali, Patna City, P.S.- Patna City, District- Patna
 6. Naresh Prasad Singh Son Of Late Kishori Prasad Resident Of Mohanpur Punaichak, Patna, P.S.- Shastrinagar, District- Patna
 7. Jugal Kishore Son Of Late Sri Ram Babu Singh Resident Of Village- Udhmapur, P.S.- Mehadiganj, Patna City, District- Patna
 8. Balbir Singh Son Of Late Bhagwan Singh Resident Of 242, Mig Bidyapuri, Lohiya Nagar, P.S.- Kankarbagh, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Dr. Surjit Singh Son Of Late Harnam Singh Resident Of Mohalla- Abulas Lane, Machhuatoli, P.S.- Kadamkuan, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate

For the Opposite Party/s : Mr. Binod Kumar 2, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-09-2015

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

The Petitioners seek quashing of the order of cognizance dated 19.2.2009 passed by the Judicial Magistrate, 1st class, Patna City in Complaint case No.651 of 2006.

The case of the Complainant is that the accused persons

while discharging their official duties in college conspired with the Officers of the Magadh University and withdrew salary causing huge loss to the Government exchequer.

It has been submitted on behalf of the Petitioners that fact of the matter is that the issue is very complex, for which reason Vigilance P.S. case No.42 of 1995 was instituted in which charge sheet has now been submitted. When the subject matter of a police case and the present case is one and the same, evidently the present Complaint should not proceed.

Considering the aforesaid situation, the application is allowed and the order of cognizance dated 19.2.2009 passed by the Judicial Magistrate, 1st class, Patna City in Complaint case No.651 of 2006 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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