

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.757 of 2010

Arising Out of PS.Case No. 840 Year- 2010 Thana -null District- SASARAM (ROHTAS)

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1. Kasturi Devi @ Kasturwa Devi W/O Ram Kawal Singh
2. Ram Kawal Singh S/O Late Ram Prasad Singh
3. Birendra Kumar
4. Shailendra Kumar
5. Suman Kumar No.3 to 5 sons of Ram Kawal Singh, R/O Vill.-Sonbarsha,P.S.-Kargahar, Dist.-Rohtas.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Vijay Kumar S/O Late Jagat Narayan Pathak, R/O Vill.-Chitao, P.S.-Dinara, Dist.-Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar 1, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-04-2015

It has been submitted that Petitioner No.1 is now dead and, therefore, the application as against him has become infructuous.

The application against the Petitioner No.1 is dismissed as such.

The Petitioners No.2 to 5 seek quashing of the order dated 17.9.2009, by which the 4th Additional District & Sessions Judge, Sasaram in Criminal Revision No.240 of 2006 has set aside the order dated 1.12.2006, by which the Judicial Magistrate, 1st class, Sasaram, Rohtas had dismissed Complaint case No.758 of 2003.

The case of the Complainant is that he had purchased a bus bearing Registration No.BR-1P-5707 on payment of consideration amount but the documents of the vehicle were not handed over to him,

even though he had made payments of the entire amount. When he approached them, the accused persons got him to sign on blank papers forcibly, for which reason he instituted Kochas P.S. case No.116 of 2002. After due investigation, the police submitted final report with a recommendation that the Complainant be proceeded against in terms of Sections 182, 211 I.P.C. However, in the meanwhile, the Opposite Party No.2 filed a Complaint, which was dismissed on merits but the case proceeded on the Revisional order.

It has been submitted on behalf of the Petitioners that even conceding the allegations in the Complaint Petition no criminal offence is made out and at best it is a case of financial dispute.

On the last occasion, notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Having considered the facts of the Complaint Petition, the application is allowed and the proceeding including the order dated 17.9.2009 passed by the 4th Additional District & Sessions Judge, Sasaram in Criminal Revision No.240 of 2006 as against the Petitioners No.2 to 5 are concerned is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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