

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 18121 of 2012

Arising out of P.S. Case No. -94 Year- 2009 Thana -Malsalami
District- PATNA

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1. Ravi Shankar Gupta S/o Gauri Shankar Resident of Mohalla-
Purvi Nand Gola, Patna City, P.S.- Malsalami, District- Patna.
 2. Guddu Kumar S/o Virendra Rai Resident of Mohalla- Purvi Nand
Gola, Patna City, P.S.- Malsalami, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Binod Kumar Singh, Assistant Electrical Engineer, Electric
Supply, Sub Division, Katra Patna City, P.S.- Malsalami, District-
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Chandran, Adv.

For the Opposite Party/s : Dr. Indiar Kumari, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-02-2015

The Petitioners seek quashing of the order of cognizance dated 05.04.2012 passed by the Presiding Officer, Special Court, Patna, PESU Area, Patna in Malsalami P.S. Case No. 94 of 2009 (G.R. No. 1258 of 2009).

The case of the Informant is that on the date of occurrence a raid was conducted in the industrial area of Nand Kumar at Didarganj and it was found that the ice factory was running on stolen energy.

It has been submitted on behalf of the Petitioners that they had nothing to do with the ice factory or theft of energy.

On such submission the case diary was called for and it appears that apart from Nand Kumar, owner of the Ice Factory upon whom there is direct allegation of running the factory on stolen energy there is no material where the present Petitioners are concerned.

Hence, the application is allowed and the proceeding including the order of cognizance dated 05.04.2012 passed by the Presiding Officer, Special Court, Patna, PESU Area, Patna in Malsalami P.S. Case No. 94 of 2009 (G.R. No. 1258 of 2009) is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

However, this order shall have no bearing on the prosecution of Nand Kumar, the owner of the Ice Factory.

(Anjana Prakash, J.)

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