

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6037 of 2012

Arising Out of PS.Case No. -2971 Year- 2007 Thana -null District- VAISHALI (HAJIPUR)

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1. Subodh Kumar Thakur S/O Sri Braj Mohan Thakur
2. Braj Mohan Thakur S/O Late Ganga Thakur, both R/O Vill Taiyabpur, P.S.
Desari, Distt-Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar
2. Shyam Kishore Thakur S/O Late Ram Swarath Thakur R/O Vill Nayagaon
(Taiyabpur), P.S.Desari, Distt-Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A.K. Sinha, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2015

The Petitioners seek quashing of the order of cognizance dated 21.5.2008 passed by the court of Sri Sushil Kumar Tripathi, Judicial Magistrate, 1st class, Vaishali in Complaint case No.2971 of 2007.

The case of the Complainant is that one Tulsi Prasad @ Kantar Lal was the owner of a certain piece of land, who had purchased from one Raghunandan Shah and others in the year 1957. The said Tulsi Prasad @ Kantar Lal died in the year 1972 leaving behind his six children. They subsequently partitioned their lands and some of them sold their share. Kishori Devi and Chand Tara Devi sold their lands to the Complainant and also handed over the original

documents given by their father Tulsi Prasad. On the basis of which he filed an application for mutation. However, the accused persons on the basis of three forged sale deeds with regard to the same land sold it to the other accused by a registered sale deed on 5.4.2005 knowing full well that they had no business to do so.

It has been submitted that where the Petitioner No.1 is concerned, he is the buyer of the property whereas the Petitioner No.2 is his father. Even assuming the allegation in the Complaint Petition to be true, no offence would be made out as against them since they were merely purchasers.

Notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Having considered the aforesaid facts, the applications stands allowed and the proceeding so far as the Petitioners are concerned including the order of cognizance dated 21.5.2008 passed by the court of Sri Sushil Kumar Tripathi, Judicial Magistrate, 1st class, Vaishali in Complaint case No.2971 of 2007 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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