

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38374 of 2014

Arising Out of PS.Case No. -188 Year- 2008 Thana -JAHANABAD District- JEHANABAD

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1. Md. Gyasuddin, son of Md. Aziz, resident of village/mohalla New Colony, I.T.I. Digha Ghat, Patna, Police Station - Digha, District- Patna.
 2. Umesh Kumar @ Umesh Prasad, son of Sri Rajeshwari Prasad, resident of mohalla - Nayee Godam, Rajendra Path Gaya, Police Station – Kotwali, District - Gaya. Presently posted as Accountant (Head Clerk), D.S.E. Office, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shivdutt Ram, son of late Ram Dhani Ram, resident of village - Unta Parvi, Jehanabad Maitri Sadan, Police Station - Jehanabad, District- Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat, Special PP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-04-2015

1. No one appears on behalf of the Opposite Party No.2.
2. The Petitioners seek quashing of the order of non-discharge dated 01.08.2014 passed by the 1st Additional Sessions Judge-cum-Special Judge, SC/ST.(POA) Act, Jehanabad, in Sessions Trial No.225 of 2010/32 of 2010 arising out of Jehanabad P.S. Case No.188 of 2008.
3. The case of the Complainant is that he was a retired Headmaster in a government school but he was not given promotion by the authorities, so, he filed writ application before the Patna High Court which directed him to file an application before the competent



authority. He then filed an application before the District Magistrate, Jehanabad, who directed the Additional Collector (Naxal), Jehanabad, to enquire into the matter. However, no action was taken till 2001 and, so, the Complainant went to the office of the District Superintendent of Education, Jehanabad, who got angry at him and abused him taking his caste name and hence the present case.

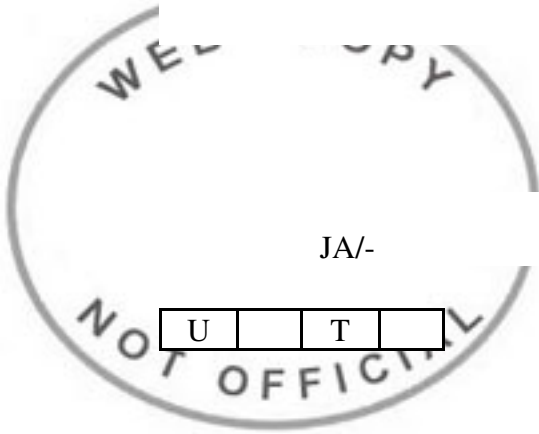
4. It has been submitted on behalf of the Petitioners that they are the District Superintendent of Education and the Head Clerk of the Office and the present Complaint Petition was filed since the grievance of the Complainant was not redressed. The Complainant had sought a favour which was not due to him as per the rules and regulation governing the issue of promotion. On it being refused, he filed the present First Information Report falsely in order to teach them a lesson.

5. Having considered the facts and circumstances of the case, I am inclined to allow the application for the reasons aforesaid.

6. Accordingly, the order of non-discharge dated 01.08.2014 passed by the 1st Additional Sessions Judge-cum-Special Judge, SC/ST.(POA) Act, Jehanabad, in Sessions Trial No.225 of 2010/32 of 2010 arising out of Jehanabad P.S. Case No.188 of 2008 is hereby set aside.

7. The application stands allowed.

8. However, this order shall not prejudice the claim of the Informant in any manner.



(Anjana Prakash, J)