

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 10588 of 2013

Arising out of P.S. Case No.-94 Year-2005 Thana-DEO District-

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Bigeshwar Singh, Son of Late Talkeshwar Singh, residing at village –
Nonhi, P.S. – Kako, District – Jehanabad

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner :

For the Opposite Party :

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 14-05-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

This is a petition for quashing of the order dated
02.02.2008 passed by the learned Chief Judicial Magistrate,
Aurangabad in connection with Deo P.S. Case No. 94 of 2005,
G.R. No. 2118 of 2005 by which cognizance for the offence under
Section 134(i) of the Representation of People Act, 1951 has been
taken against the petitioner and others.

The allegation against the petitioner is that he was
assigned the duty of election but he did not join and hence,
complaint has been filed by the Block Development Officer under
Section 134 of the Representation of People Act, 1951 for breach
of the official duty of election.

Learned counsel for the petitioner, however,

contended that he was exempted from the election duty by the order of Depot Superintendent, State Road Transport Corporation, Aurangabad.

However, this is the defence of the accused and it cannot be looked into at this stage by this Court in extra ordinary jurisdiction. However, the petitioner can raise the issue at the appropriate stage. Hence, the petition is disposed of with leave to the petitioner to raise the issue at the appropriate stage and if such issue is raised the same should be decided without being prejudiced by this order.

(Gopal Prasad, J.)

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