

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34199 of 2014

Arising Out of PS.Case No. -2028 Year- 2012 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Kanchan Devi Wife of Deepak Srivastava Anganbadi Sevika, Ward No. 15,
Gopalganj P.S. + P.O. + District gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. A. Dayal, APP

For the Complainant : Mr. Naresh Prasad, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-08-2015

The Petitioner seeks quashing of the order of cognizance dated 24.4.2014 passed by the Chief Judicial Magistrate, Gopalganj in Complaint case No.2028 of 2012.

The case of the Complainant is that a proposal had been given for opening many Anganbari centres and appointment of some Sevikas. Wife of the Complainant also gave an application for such post and in a general meeting she was selected. However, the accused persons eliminating her candidature appointed somebody else. They also demanded illegal gratification of Rs.60,000/- and abused the Complainant and his wife when they protested.

It has been submitted on behalf of the Petitioner that it is

well known that the procedure of appointment of a Sevika is on consideration of documents and points are given on each requirement which is met and the procedure cannot be relaxed for any person unless the rules so permit. In the present circumstances the Complainant wanted his wife appointed a Sevika despite her not qualifying for the same and that not being done he instituted this Complaint case.

On the other hand, the Counsel for the Complainant submits that since the Petitioner had demanded illegal gratification and because he had failed to pay the same his wife was not considered for this reason, she should be put on trial.

Having considered the vague nature of allegations as also the protection granted under Section 114 Evidence Act, the application is allowed and the proceeding including the order of cognizance dated 24.4.2014 passed by the Chief Judicial Magistrate, Gopalganj in Complaint case No.2028 of 2012 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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