

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40201 of 2013

Arising Out of PS.Case No. -1142 Year- 2010 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Bijay Shankar, son of Sri Ram Prasad, Director, Academic Centre R.K. Memorial Institute of Health Science and Technology, resident of Fourth Floor, Rajendra Nagar, Patna-800016

.... Petitioner/s

Versus

1. The State of Bihar,
2. Ajit Kumar Jaiswal, son of late Sachidanand Jaiswal, resident of mohalla-Chandra Bangla, Goshi Tola, Thana-Kotwali, P.O. and District-Munger

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 04-05-2015

1. No one appears on behalf of the Opposite Party

No.2 on repeated calls.

2. The Petitioner seeks quashing of the order of cognizance dated 01.08.2011 passed by the Judicial Magistrate, 1st class, Munger, in Complaint Case No.1142-C of 2010.

3. The case of the Complainant is that he wanted that his daughter be admitted in a certain Institute where he met the functionaries of the Institute. They asked for certain amount of money and also gave him Visiting Card. He deposited the amount so required by them on their assurance that they will summon their daughter to fill up the form. However, later on they started negotiating for more money and did not admit his daughter.

4. It has been submitted on behalf of the Petitioner that fact of the matter is that daughter of the Complainant had been admitted in the Institute and she passed from there having no grievance against the Petitioner. One Amit Kumar i.e. Accused No.1, who was the employee of the said Institute, acted in the manner as alleged in the Complaint Petition. He was expelled from the Institute for non-deposit of fee there. In such circumstances, the Petitioner being the Director of the Institute should not be proceeded against.

5. Having gone through the nature of allegation against the Petitioner, I would be inclined to accept that no offence whatsoever is made out against him.

6. Hence, the order of cognizance dated 01.08.2011 passed by the Judicial Magistrate, 1st class, Munger, in Complaint Case No.1142-C of 2010 is hereby set aside in so far it relates to the Petitioner only.

7. The application stands allowed.

(Anjana Prakash, J)

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