

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49241 of 2012

Arising Out of Complaint Case No. 448C Year- 2008 District-Arrah

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Darshan Kumar ,S/O Late Chander Bhan Dua, T- Series Super Cassette Industries Ltd., E2/16, While House, Ansari Road, Dariyaganj, New Delhi-110002

.... Petitioner/s

Versus

1. The State Of Bihar
2. Prabhat Kumar Singh. S/O Late Jagdish Singh. (Rastriya Adhyakash Bhojpuria Sena), Resident Of Babu Bazar At Arrah, P.S- Arrah Town, District- Bhojpur (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Y.V. Giri, Sr. Adv. Mr. Shailendra Kumar, Adv. Mr. Sanjay Kumar, Adv. Mr. Umesh Pathak, Adv.
For the State :	Mr. R.B. Roy 'Raman', A.P.P.
For the Informant :	Mr. Rajendra Nath Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

Counter affidavit filed today, be kept on the record.

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 6.7.2010 passed by the Sub Divisional Judicial Magistrate, Arrah, Bhojpur, in Complaint Case No. 448C of 2008, Trial No. 1673 of 2010.

The case of the Complainant is that on the date of occurrence, while he was traveling on a Bus, he heard some vulgar songs playing which purportedly had been released by T-Series Super

Cassette. It was under these circumstances, that the Complaint was filed.

It has been submitted on behalf of the Petitioner that the law is well settled to the effect that unless the Company itself is not made an accused and it is alleged that the Director of the Company was In-charge or in control of the business, no cognizance can be taken against him on a general allegation.

On the other hand, the counsel for the Complainant submits that since the song was so vulgar, there had been a public protest against the song which having been produced by the Petitioner's Company, as also since he remained absconding from the process of the Court, no leniency should be given to him.

Considering the facts, status of the Petitioner in the Company and in absence of any specific complicity of the Petitioner which is a clear requirement of law, the application is allowed and the Proceeding including the order dated 6.7.2010 passed by the Sub Divisional Judicial Magistrate, Arrah, Bhojpur, in Complaint Case No. 448C of 2008, Trial No. 1673 of 2010, so far as the Petitioner is concerned, is hereby, set aside.

(Anjana Prakash, J)

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