

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39339 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- NAWADA

1. Prayag Ram Son Of Late Sukhlal Ram Resident Of Village - Rajaundh, P.S. - Sirdalla And District - Nawada.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Mohan Pandit Son Of Late Bandhu Pandit Resident Of Village - Rajaundh, P.S. - Sirdalla And District - Nawada.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate
Mr. Ashish Sinha, Advocate
For the State/s : Mr. Jharkhandi Upadhyay, APP
For Opposite Party No.2 : None

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-02-2016

No one appears on behalf of the Opposite Party No.2.

The Petitioner seeks quashing of the order of cognizance dated 20.2.2010 passed by the Judicial Magistrate, 1st class, Nawada in Complaint case No.1179 of 2009/ Trial No.1073 of 2009.

The case of the Complainant is that he had purchased certain lands from the Petitioner in the year 1974, whereafter he had applied for mutation but on account of certain errors in the land records it could not be done and repeatedly the Petitioner only assured him of correcting it but he did not do so and hence the present Complaint.

It has been submitted on behalf of the Petitioner that it is absurd to believe that when the cause of action arose in the year 1974, the Complaint was instituted in the year 2009 and cognizance was taken in the year 2010, which not only shows the callous attitude of the Complainant but also that the prosecution is a gross abuse of the process of the Court.

Having considered the aforesaid, the application is allowed and the proceeding including the order of cognizance dated 20.2.2010 passed by the Judicial Magistrate, 1st class, Nawada in Complaint case No.1179 of 2009/ Trial No.1073 of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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