

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 39054 of 2010

Arising out of P.S. Case No. -17 Year- 1995 Thana -SC/ST
District- BHAGALPUR

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Devbrat Singh, Son of late Anandi Prasad Singh, Resident of Village-
Chatrnadih, P.O. Gulni Kushaha, P.S.-Shambhuganj, District-
Banka. Petitioner/s

Versus

1. The State of Bihar.
2. Prakash Narayan Paswan, Son of late Darogi Paswan, Posted as
Clerk, Primary Health Centre, Shambhuganj, Distt.-Banka, R/o-
Mohalla. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2016

The Petitioner seeks quashing of the order of
cognizance dated 28.05.2010 passed by the Chief Judicial
Magistrate, Bhagalpur in SC/ST P.S. Case No. 17 of 1995.

The case of the Informant is that when he was
posted as a Clerk in Primary Health Centre, Shambhuganj
and was also Cashier In-charge discharging his duties the
accused persons came to his Office and abused him by calling
caste name.

It has been submitted on behalf of the Petitioner
that the present case was instituted on 09.05.1995 and it is
after fifteen years that cognizance was taken in the matter. It
also appears that final form was submitted after due
investigation.

On the other hand, the Counsel for the Informant submits that since the Petitioner had abused him he should be put on trial.

Having considered that an independent agency looked into the private dispute between two parties and opined that the allegation was not true, I would be inclined to hold that the trial on unilateral and oral allegations would be a nullity and an abuse of the process of the Court.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 28.05.2010 passed by the Chief Judicial Magistrate, Bhagalpur in SC/ST P.S. Case No. 17 of 1995 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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