

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46258 of 2015

Arising Out of PS.Case No. -144 Year- 2014 Thana -COMPLAINT CASE District- SHEOHAR

1. Shiv Kali Devi Wife of Ram Jiwan Ram Resident of village - Kamrauli Ward
No. 5, P.S. Piprahi, District - Sheohar

.... Petitioner/s

Versus

1. The State of Bihar
2. Suresh Prasad Son of Mohan Prasad Resident of village - Panchayat Raj
Kamrauli, P.S. Piprahi, District - Sheohar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nirmal Kumar Sinha 3

For the Opposite Party/s : Mr. Umesh Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL JUDGMENT

Date: 13-05-2016

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application has been filed for quashing the
order dated 19.01.2015 passed by the learned Sessions Judge, Sheohar
in Criminal Revision No. 33 of 2014 by which he has confirmed the
order dated 17.09.2014 passed by Shri P. D. Mishra, Sub-divisional
Judicial Magistrate, Sheohar dismissing the complaint petition filed
by the petitioner under section 203 of the Code of Criminal
Procedure, 1973.

3. Prosecution case, in brief, is that the petitioner
filed a complaint petition in the court of the learned Sub-divisional



Judicial Magistrate, Sheohar against opposite party no. 2 who was the Chairman of Primary Agriculture Cooperative Society, Kamrauli and the petitioner is a member of the said PACS and she wanted to know about the achievement of the aforesaid PACS but the opposite party no. 2 Suresh Prasad avoided it. Then she filed a petition under Right to Information Act as well as to the Chief Minister, Janta Darbar. It is further stated that opposite party no. 2 has defalcated the money meant for turn deposit scheme. Further it is alleged that opposite party no. 2 under false assurance to the complainant and her witnesses, received Rs.10,000/- from them for the purpose of making registration of their names as members of the PACS committee. It is apparent that the petitioner herself has given Rs.10,000/- (Ten thousand) for getting her name registered as a Member of the PACS committee.

4. On filing the complaint, the complainant was examined on solemn affirmation and the witnesses were also examined and taking into consideration the statements of the witnesses in enquiry, the learned Magistrate dismissed the complaint under section 203 Cr.P.C.

5. The petitioner filed Criminal Revision No. 33 of 2014 against the order of the learned Magistrate rejecting the complaint petition of the petitioner which has also been dismissed by

the learned Sessions Judge, Sheohar by order dated 19.01.2015. Hence the petitioner has filed this application for quashing of both the orders.

6. Learned counsel for the petitioner submits that the impugned orders suffer from several illegality and irregularity warranting interference with the order of the learned Magistrate as well as the learned revisional court. It is also submitted that several witnesses have been examined by the complainant-petitioner who have supported the prosecution case.

7. After hearing learned counsel for the parties, it appears that after taking into consideration the evidence of the witnesses, the complaint petition has been rejected under section 203 of the Code of Criminal Procedure, 1973 giving a reasoned order and thus, I do not find any illegality in the order impugned and the reasons given therein.

8. It is pertinent to mention that section 203 Cr. P.C. provides that if after considering the statements on oath (if any) of the complainant and of the witnesses and the result of the inquiry or investigation (if any) under section 202 Cr.P.C., the Magistrate is of the opinion that there is no sufficient ground for proceeding, he may dismiss the complaint and in every such case he shall briefly record his reasons for so doing.

9. Having regard to the facts and circumstances of the case, it appears that the learned Magistrate and the revisional court have considered the statements of the witnesses in enquiry and dismissed the complaint giving valid reasons that it is quite absurd to believe that when there is enmity and when the petitioner had reported the matter to the Chief Minister and had sought some information under the Right to Information Act, the petitioner will go to the house of opposite party no. 2 and pay the amount of Rs.10,000/- for registration of her name as a member of the PACS committee.

10. In the facts and circumstances of the case, I do not find any merit in this application to interfere with the impugned orders. Hence, this application is dismissed.

(Gopal Prasad, J)

Amin/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	