

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 14174 of 2011

Arising out of P.S. Case No. -185 Year- 2003 Thana –Kotwali
(Ganga Bridge) District- BHAGALPUR

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Miss Rubey @ Annapurna Chatterjee D/o Late Nirpal Chandra Chatterjee
R/o G.C.B. Road Mundi Chak, Police Station Tilkamanjhi, Distt-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajesh Prasadverma S/o Prof. T.P. Verma R/o Moh, Shivajee Path
Chhoti Khanjarpur, P.S. Barari, Distt. Bhagsalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-06-2016

The Petitioner seeks quashing of the order dated 16.03.2011 passed by the Additional Sessions Judge, F.T.C.-I, Bhagalpur in Cr. Rev. No. 381 of 2010 by which it has confirmed the order dated 22.09.2010 passed by the Judicial Magistrate, 1st Class, Bhagalpur in Bhagalpur Kotwali (Ganga Bridge) P.S. Case No. 185 of 2003 (G.R. No. 715 of 2003).

The case of the Informant is that when his daughter was returning from school he found her face and lips swollen. When he enquired she said that the class teacher had beaten her. It is for this reason that he filed the present Complaint.

It has been submitted on behalf of the Petitioner that initially a First Information Report was instituted on these allegations which ended in final report but the Chief Judicial Magistrate took cognizance without condoning the delay and, hence, the prosecution should be set aside.

On the other hand, Counsel for the Complainant submits that since the Petitioner never challenged the order of cognizance therefore the Revisional Court rightly held that the Petitioner had no locus to challenge it.

Having gone through the Complaint Petition, I find that no doubt there is allegation that the Petitioner is said to have assaulted the daughter of the Informant but when an independent agency had looked into the allegations and found the same unsubstantiated it would not be proper that the trial proceed on unilateral oral allegations of the Informant.

Hence, the entire proceeding including the order dated 16.03.2011 passed by the Additional Sessions Judge, F.T.C.-I, Bhagalpur in Cr. Rev. No. 381 of 2010 by which it has confirmed the order dated 22.09.2010 passed by the Judicial Magistrate, 1st Class, Bhagalpur in Bhagalpur Kotwali (Ganga Bridge) P.S. Case No. 185 of 2003 (G.R. No. 715 of 2003) is, hereby, set aside.

The application stands allowed.

(Anjana Prakash, J.)

Vikash/-

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CAV DATE	X
Uploading Date	05.07.2016
Transmission Date	05.07.2016