

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1030 of 2006

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

- =====
1. Md. Shamim son of Md. Atim
 2. Md. Shakeel son of Md. Shamim, both resident of Mohalla Durja, P.S. Budha Colony, Town and District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Saida Khatoon wife of late Md. Atim, resident of Mohalla Dujra, P.S. Budha Colony, Town and District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Laxmi Nr. Das, Advocate

For Opposite Party No.2 : Mr. Dharendra Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-04-2016

The Petitioners seek setting aside the order dated 16.9.2006, by which the Judicial Magistrate, Patna allowed the Opposite Party No.2 to substitute herself instead of the Complainant in Complaint case No.54C of 2002.

It has been submitted that the Petitioner No.1 is the son, and Petitioner No.2 the grand son of the original Complainant who had instituted a case under minor offences against them. Subsequently he died on account of old age, so step mother was permitted to substitute herself which the Court allowed. It has further been submitted that since the offence is so petty and the Complainant is no more, the prosecution should be set aside.

I am inclined to agree with such submission.

In view of such, the application is allowed and the proceeding of Complaint case No.54C of 2002 including the order dated 16.9.2006 passed by the Judicial Magistrate, Patna in Complaint case No.54C of 2002 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
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