

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24919 of 2010

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

1. Madhu Kumari Daughter Of Late Ram Krit Lal, R/O Vill-Vishunpur, P.S.-Kudra, Distt-Bhabhua, Presently Posted As Peon in Govt. Basic School, Unwas, P.S.-Itarhi, Distt-Buxar
2. Binod Kumar Ojha S/O Late Chhathu Ojha At and P.O.-Deokuli, P.S.-Brahmpur, Distt-Buxar, Presently Working As an Asstt. Teacher in Govt. Basic School, Unwas, P.S.-Itarhi, Distt-Buxar

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate

For the Opposite Party/s : Mr. J. Upadhyay, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-01-2016

The Petitioners seek quashing of the order of cognizance dated 25.5.2010 passed by the Judicial Magistrate, 1st class, Buxar in G.R. No.696 of 2006 (Trial No.1108 of 2010) arising out of Buxar (Town) P.S. case No.129 of 2006.

Short facts of the case is that the District Education Officer, Buxar instituted a case against some persons stating that they had been appointed on forged documents. The persons, whose service was sought to be terminated on such ground, moved this Court in writ application where this Court held that there was no forgery in the documents. In the meanwhile Buxar Town P.S. case No.49 of 2005

was instituted by the Subordinate Judge 2nd, Buxar in Title Suit No.262 of 1995, wherein the issue of forgery was once again in question. The said case was quashed by this Court on technical grounds in Cr.Misc.No.40270 of 2007 by an order dated 14.11.2007.

It has been submitted on behalf of the Petitioners that once all due diligence has been taken before appointment, which was upheld by this Court in writ jurisdiction, the present criminal prosecution is unwarranted.

Considering the aforesaid, the application is allowed and the proceeding including the order of cognizance dated 25.5.2010 passed by the Judicial Magistrate, 1st class, Buxar in G.R. No.696 of 2006 (Trial No.1108 of 2010) arising out of Buxar (Town) P.S. case No.129 of 2006 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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