

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37821 of 2010

Arising out of P.S. Case No.28 Year 2009 Thana Veldi District- SARAN

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Smt. Rabari Devi, wife of Shri Lalu Prasad, resident of 10, Circular Road, P.S. Sachivalaya, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sandeep Shekhar Pryadarshi, son of Tara Shankar Singh, C.O., Block Amnaur, Distt. Saran, at present, r/o village Ram Nagar, P.S. Ahiyapur, Distt. Muzaffrpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirban Kundy, Adv.
Mr. Krishna Narayan Jha, Adv.
Mr. Ejaz Hasan, Adv.
For the State : Mr. S.C. Mishra, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 18-01-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 14.6.2010/27.8.2010 by which the Chief Judicial Magistrate, Chapra, has taken cognizance in Bheldi P.S. Case No. 28 of 2009, G.R. No. 1060 of 2009, Trial No. 380 of 2010.

The case of the Informant, who was the Circle Officer at that point in time, is that in an election speech, the Petitioner used certain derogatory remarks against the Chief Minister, which was objectionable and, hence, the present case.

It appears from the petition filed herein that another

Complaint Case No. 963(C) of 2009 was filed for the same cause of action and no offence under Section 125 Representation of Peoples Act or Section 171(G) of Indian Penal Code appears to have made out in the facts of the case.

On the last occasion, notices had been issued to the Opposite Party No. 2, but, despite receipt of notice by his brother, he has chosen not to appear before this Court.

Having gone through the facts of the Complaint from where, it has not been specified as to on what derogatory and objectionable remarks in the election speech, is founded, the application is allowed and the Proceeding including the order dated 14.6.2010/27.8.2010 passed by the Chief Judicial Magistrate, Chapra, in connection with Bheldi P.S. Case No. 28 of 2009, G.R. No. 1060 of 2009, Trial No. 380 of 2010, is hereby, set aside.

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(Anjana Prakash, J)

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