

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11979 of 2011

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1. Hari Nandan Sharma S/O Late Sahdeo Sharma Resident Of Village- Bhatauni, Police Station- Simri Bakhtiyarpur, District- Saharsa.
 2. Sanjeev Kumar Sharma @ Sanjeev Kumar S/O Hari Nandan Sharma Resident Of Village- Bhatauni, Police Station- Simri Bakhtiyarpur, District- Saharsa.
 3. Rajeev Kumar Sharma @ Rajeev Kumar S/O Hari Nandan Sharma Resident Of Village- Bhatauni, Police Station- Simri Bakhtiyarpur, District- Saharsa.
 4. Dev Kant Sharma S/O Late Sita Ram Sharma Resident Of Village- Bhatauni, Police Station- Simri Bakhtiyarpur, District- Saharsa.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Jano Sada S/O Late Jitu Sada Resident Of Village- Bhatauni, Police Station- Simri Bakhtiyarpur, District- Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. R.B.S.Pahepuri(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

6 20-06-2016 The petitioners seek quashing of the order of cognizance dated 17.12.2009 passed by the Chief Judicial Magistrate, Saharsa in Complaint Case No. 511C of 2006.

The case of the complainant is that his nephew Kamo Sasda was kidnapped by the accused persons and ever since then he was missing.

It has been submitted on behalf of the petitioners that initially on this allegation a first information report was instituted which ended in final report since none of the family members of

the so called kidnapped person supported the case of kidnapping. Subsequently the informant filed protest petition which was treated as complaint and the case has been proceeded on the same.

The submission of the petitioners is that evidently except the oral allegation of the complainant who happens to be the uncle that the alleged victim was kidnapped by the accused person there is no cogent material. Hence the prosecution be quashed.

On the other hand the complainant submits that since he is aggrieved with the kidnapping of his nephew the petitioners should be put on trial.

Having considered that in the facts of the case even if the trial is permitted on merely oral unilateral allegations to be conducted it would be a complete nullity hence the application is allowed and the order of cognizance dated 17.12.2009 passed by the Chief Judicial Magistrate, Saharsa in Complaint Case No. 511C of 2006, is hereby quashed.

(Anjana Prakash, J)

Prakash/-

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