

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6066 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- SASARAM (ROHTAS)

1. Hem Narayan Jha @ H.N.Jha son of Late Lutan Jha, resident of at present working as Headmaster D.A.V.Public School, Lajpat Rai Nagar, Katar, Dehri-On-Sone, District-Rohtas (Bihar)

.... Petitioner/s

Versus

1. The State Of Bihar

2. Dr. (Mrs.) Nimni Upadhyay W/O Sri Om Prakash, resident of Mohalla Sambika Nagar, New Dillian, Dehri On Sone, PO and PS-Dehri, District-Rohtas At Present Head Mistress, DAV.Public School, Katar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
Mr. Surinder Kumar, Advocate

For the State : Mr. Ashok Kumar, APP

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

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-05-2016

The Petitioner seeks quashing of the order of cognizance dated 4.3.2010 passed by the Chief Judicial Magistrate, Sasaram, Rohtas in G.R. No.1288 of 2009/Trial No.1911 of 2010 arising out of Dehri (Indrapuri) P.S. case No.256 of 2009.

The case of the Informant is that the accused persons had committed theft of office papers, which information was given to her by a 4th grade employee.

It has been submitted on behalf of the Petitioner that fact of the matter is that the Informant was Headmistress of D.A.V. Public School at Katar and subsequently transferred, for which reason she

filed Title Suit bearing Title Suit No.90 of 2007 before the court of Munsif, Sasaram. She was thereafter told to give over charge of her responsibility and till then the parties were directed to maintain status quo. The Petitioner, who was the Principal of the School, was sought to be displaced illegally and harassed for the aforesaid reasons.

On the other hand, the Counsel for the Informant submits that since the Petitioner had committed theft of public documents, he should be put on trial.

Having considered the background dispute, I have no difficulty in concluding that in fact the present prosecution is malicious and deserves to be set aside. Hence, the application is allowed and the proceeding including the order of cognizance dated 4.3.2010 passed by the Chief Judicial Magistrate, Sasaram, Rohtas in G.R. No.1288 of 2009/Trial No.1911 of 2010 arising out of Dehri (Indrapuri) P.S. case No.256 of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
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