

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 23956 of 2010

Arising out of P.S. Case No. -16 Year- 2009 Thana -SC/ST
District- NALANDA (BIHARSHARIFF)

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Rajendra Prasad Sinha @ Rajendra Prasad, Son of late Jagdish Prasad, Resident of Mohalla-Garhpar (Nichli Quila), P.S.-Bihar, District-Nalanda, presently Assistant Teacher at Nalanda Collegiate+2, Government High School, Bihar Sharif, Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajendra Ravidas, Son of late Sohrai Ravidas, Resident of Village-Sirnama, P.S.-Wena, District-Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar, Adv.

For the Opposite Party/s: Mr. Yogendra Kumar Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-01-2016

The Petitioner seeks quashing of the order of cognizance dated 15.03.2010 passed by the Chief Judicial Magistrate, Nalanda at Biharsharif in SC/ST P.S. Case No. 16 of 2009 (G.R. No. 1352 of 2009).

The case of the Complainant is that he had gone to take his signature on caste certificate to the Mukiya and when the petitioner saw as to who was sitting on the chair he became angry and abused him taking his caste name.

It has been submitted on behalf of the Petitioner that the present case has been instituted maliciously on account of the fact that there is land dispute between the parties due to which the Police had initiated an action under

Section 107 Cr.P.C. against the parties. In order to create pressure upon the Petitioner the present false prosecution has been filed.

On the last occasion, notices had been issued to the Opposite Party No. 2 but despite service of notice she has chosen not to appear before this Court.

Having considered the background facts from which it appears that the present Complaint has been filed for ulterior reasons, the entire proceeding as against the Petitioner including the order of cognizance dated 15.03.2010 passed by the Chief Judicial Magistrate, Nalanda at Bihar Sharif in SC/ST P.S. Case No. 16 of 2009 (G.R. No. 1352 of 2009) is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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