

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39332 of 2010

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

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1. Mahabir Prasad Sharma, Circle Officer, Ratni, Faridpur, P.S. - Paras Bigha,
Distt. - Jehanabad.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Amarendra Kumar Son of Sri Awadhesh Sharma, resident of village Baidahta,
P.S. Parsi Bigha, Dist. Jehanabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. D.N. Tiwari, Advocate
For the State/s : Dr. Indivar Kumari, APP
For Opposite Party No.2 : Mr. Birendra Kr., Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-02-2016

The Petitioner seeks quashing of the order of cognizance dated 17.5.2010 passed by the court of Chief Judicial Magistrate, Jehanabad in Complaint case No.732 of 2008.

The case of the Complainant is that his mother had filed Mutation Appeal No.2/AC/89-90 against the order of the Additional Collector, Jehanabad, in which status quo was ordered. However, despite the stay order the Karamchari issued rent receipts in order to cause gain to his opponents Rangnath Sharma and Dilip Kumar.

It has been submitted on behalf of the Petitioner that he had worked in favour of the opponents of the Complainant in

discharge of his official duties as was procedurally prescribed and if at all the Complainant was aggrieved, he should have brought this fact to the notice of the Authority before whom the appeal was pending instead of filing a fresh Complaint.

On the last occasion notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Having considered the speculative nature of the allegations, the application is allowed and the proceeding including the order of cognizance dated 17.5.2010 passed by the court of Chief Judicial Magistrate, Jehanabad in Complaint case No.732 of 2008 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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