

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40287 of 2012

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Hareram Pasi & Ors.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Dubey

For the Opposite Party/s : Mr. C.Jawahar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

10 10-10-2017 Heard the learned counsel for the petitioners and

learned APP for the State.

No body is present for O.P. No. 2.

This criminal miscellaneous has been filed for quashing the order dated 15.10.2011 passed by in-charge Chief Judicial Magistrate, Rohtas in Ankordhi Gola P.S. Case No. 43 of 2011 whereby and whereunder, cognizance has been taken against the petitioners for the offences under Sections 498(A), 379, 323, 504, 506/34 of the Indian Penal Code and also for quashing the entire criminal proceeding.

From perusal of the impugned order, it reveals that the learned I/c Chief Judicial Magistrate, Rohtas has written the word 'cog' and 'Smt. Sachi Mishra' in his pen in the impugned order and rest part of the order is in the pen of another man. Such type of passing the order has been deprecated several times by this



Court. It reveals that the learned C.J.M. I/c has not applied his judicial mind in passing the impugned order and, as such, on this ground alone the impugned order is hereby set aside.

The matter is sent back to the learned C.J.M., Rohtas, Sasaram for passing a fresh order in accordance with law after applying his judicial mind. In the result, this criminal miscellaneous stands allowed and the impugned order passed in Ankordi Gola P.S. Case No. 43 of 2011 is hereby set aside

(Jitendra Mohan Sharma, J)

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