

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13907 of 2014

Arising Out of P.S.Case No.39 Year- 2012 Thana -BARURAJ District- MUZAFFARPUR

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Rajeev Ranjan Son of Late Bhuvneshwar Rana, Junior Engineer, Departement of Electricity Resident of Mohalla Kashidih, Chandrabati Udyan, House No. 2/5, Block-A, P.S- Sakchi, District- East Singhbhum (Jharkhand)

.... Petitioner

Versus

1. The State of Bihar
2. Md. Sakir, son of late Jamir Mian, resident of village-Laxminiya, P.S.Baru Raj, District-Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. N.K.Agrawal, Sr.Advocate
Ms. Manisha Prakash, Advocate

For the Opposite Parties : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 09-08-2017

This application under section 482 of the Cr.P.C. has been filed to quash the order dated 24.05.2013 passed by learned Judicial Magistrate, Ist Class, Muzaffarpur in Baruraj P.S.Case No.39 of 2012 whereby and whereunder the learned Magistrate found prima-facie case for the offence under Sections 304A of the IPC and summoned the petitioner.

2. Heard and perused the record.

3. This petitioner is the junior Engineer in the Department of Electricity and allegation is that on account of negligent act of this petitioner, the father of the informant and his two oxen suffered



electric shock and died on the spot. The electric wire had fallen in his field and in spite of repeated complain, he did not take step to remove the live wire from his field.

4. It has been submitted that the offence in question will not come in the ambit of Section 304A of the IPC. The petitioner was neither at the spot nor had any knowledge about the falling of electric wire. It was merely an incident. The electric wire of 11000 volts had fallen for unknown reason. The learned Magistrate took cognizance without ascertaining the reason of incident and so impugned order is fit to be quashed. It has been further submitted that no section under Section 197 Cr.P.C. has been taken for prosecuting the petitioner. The impugned order on these two counts are not sustainable and is fit to be quashed.

5. However, learned APP on the other hand opposed the submission.

6. On perusal of the FIR and case diary, I find that this petitioner was posted as Junior Engineer in the Department of Electricity. The witnesses at the time of investigation have stated that the petitioner was informed three days ago regarding the falling of electric wire in the field. The said wire was carrying 11000 volt. The petitioner did not take care of gravity of complain and kept mum for three days. This shows gross negligence on his part. The matter was



investigated and police found sufficient material against the petitioner for the under Section 304A of the IPC. The learned Magistrate on the basis of material has rightly taken cognizance against the petitioner and other co-accused.

7. In the aforesaid facts and circumstances, I do not find any merit in the application. Accordingly, this application is dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
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