

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5208 of 2014

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Panna Kumar Singh S/O Late Bhudev Prasad Singh Resident Of Village Kasamara, Police Station Dhamdaha, District Purnea, The Then Officer-In-Charge Of Barsoi Police Station, District Katihar.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Sadik Ahmad S/O Late Md. Yonus Resident Of Village Bhalgoar, Police Station Pranpur, District Katihar, The Then Revenue Clerk Of Anchal Barsoi, Police Station Barsoi, District Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh
For the Opposite Party/s : Mr. J.N.Thakur(App)
For the O.P.No.2 : Mr.N.A.Shamsi
Mr.S.Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

7 27-07-2017 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State assisted by the learned counsel for the O.P.No.2.

2. This application has been filed under Section 482 of Cr.P.C. by the petitioner for setting aside the order dated 19.04.2011 passed by Sri P.K.verma, Judicial Magistrate, 1st Class, Katihar in C.A.2830 of 2010 whereby he has taken cognizance of the offence under Sections 341, 323, 504 and 385/34 of the I.P.C.

3. The allegation, in brief, as stated in the complaint is that the complainant was called by the petitioner who



at the relevant time was the Officer-in Charge of the Local Police Station. He had sent one Pradeep Sah to call him, expressing his inability to go there just now, he assured to come later on upon which he started abusing the complainant and snatched away key of his motor cycle. Later on this petitioner O.C.Barsoi P.S. also came there and assaulted him with fists and slaps and threatened not to give evidence in the complaint case filed against him otherwise he would be falsely implicated in a criminal case under Arms Act. Forcibly also took his signature on a blank sheet of paper.

4. Learned counsel for the petitioner submits that earlier a complaint case was filed against this petitioner in which the present complainant was a witness, so, he has leveled false allegation against him by lodging this another case. However, the prosecution is barred under Section 197 of Cr.P.C. as no sanction has been obtained for prosecuting the petitioner, a public servant.

5. Having considered rival submission and materials on record, it appears that there is specific allegation against petitioner of assaulting the complainant as well as threatening him for not giving evidence in another complaint case lodged against him in which present complainant is a witness. The petitioner at the relevant point of time was the Officer – in –



Charge of Barsoi Police Station and there is no nexus between official discharge of his function and the alleged offence leveled against him. So, in such case there is no requirement of obtaining sanction against a public servant under Section 197 of Cr.P.C.. There is no ground for setting aside the impugned order. In the result, the petition stands dismissed.

(Arun Kumar, J)

AnilKrSinha/-

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