

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31907 of 2013

Arising Out of PS.Case No. -147 Year- 2005 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Arun Kumar son of Late Gita Prasad Singh, resident of Village Hatia, P.O.-
Ghoswari, P.S.-Bakhtiyarpur, District-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr.Ravi Ranjan, Advocate
Ms. Kiran Thakur, Advocate.

For the Opposite Party No.1: Mr. Dilip Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 02-02-2017

Heard learned counsel for the petitioner and the State.

2. It has been submitted on behalf of the petitioner that cognizance has been taken against the petitioner on 21.06.2008 by the learned Additional Chief Judicial Magistrate, Hilsa (Nalanda) in Hilsa P.S.Case No. 147 of 2005 (G.R.No. 540 of 2005) for the offences punishable under Sections 166, 167, 197, 406, 409, 420, 465, 466, 467, 468, 471 and 120(B) of the Indian Penal Code on the basis of supplementary chargesheet submitted by the police. It is further submitted that cognizance taken against similarly situated accused on the basis of original chargesheet submitted by the police has already been quashed by a co-ordinate Bench of this Court in Cr.Misc.No. 26950 of 2012 on 23.03.2015. It is also submitted that on the basis of supplementary chargesheet even on merit no criminal offence is made out against the petitioner. Learned counsel has pointed out paragraph



12 of the Complaint Petition wherein it has been mentioned that votes were counted by accused nos. 4, 5 (petitioner) and 6 in presence of accused nos. 2 and 3 and *parptra* 20 was prepared by the accused no.3 and accused no.2 gave certificate to accused no.1 Raj Kumar.

3. In this manner, after perusing paragraph 12 of the complaint case, this Court finds force in the submission of the learned counsel for the petitioner that no criminal offence is made out against the petitioner. The petitioner, as per complaint petition, was merely deputed for counting the votes. The case of another accused person has already been quashed by a co-ordinate Bench of this Court, as stated above. In the circumstances, this Court finds that order of cognizance dated 21.06.2008 with respect to the petitioner and entire proceeding are not in accordance with law and continuance of the same will amount to mere harassment to the petitioner. Hence, the order of cognizance and the entire proceeding are liable to be quashed.

4. In the result, this petition is allowed. The order of cognizance dated 21.06.2008 passed by learned Additional Chief Judicial Magistrate, Hilsa (Nalanda) in Hilsa P.S.Case No. 147 of 2005 (G.R. 540 of 2005) and the entire proceeding with respect to the petitioner are quashed.

(Sanjay Priya, J)

Tahir/-

AFR/NAFR	
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