

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40029 of 2013

Arising Out of PS.Case No. -43 Year- 2012 Thana -DIGHA District- PATNA

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Rakesh Roshan S/O Sri Vijayeshwar Prasad, Advocate Proprietor Of M/S Om Sai Indane Seva, Mangal Market, Bari Path, Patna, Resident Of Mohalla Ashok Nagar Road No. 1, P.S. And P.O. Kankarbagh, District Patna.

.... Petitioner

Versus

1. The State Of Bihar.
2. Md. Mansoor Ahmad, I.P.S., O.S.D., C.I.D., Bihar Patna Resident Of Sangam Colony, P.S. Digha, District Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Vijayeshwar Prasad, Mr. Ashok Kumar Sinha, Mr. Shahank Shekhar Sinha & Mr. Shyam, Sunder Pandey, Advocates.

For the State : Mr. Ajay Kumar- 2 (APP)

For the Opp. Party no.2 : Mr. Abbas Haider & R. Kr. Singh, Advocates.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

6 05-12-2017 This Criminal Miscellaneous has been filed for quashing the order dated 11.01.2013 passed by the learned Chief Judicial Magistrate, Patna, whereby and whereunder, he has taken cognizance under sections 406 and 420 of the I.P.C. and transferred the case to the court of Sri Santosh Kumar Gupta, Judicial Magistrate, 1st Class, Patna in G.R. No. 1458 of 2012/ Trial No. 1189 of 2013 arising out of Digha P.S. Case No. 43 of 2012.

Heard the learned counsel for the petitioner, the learned A.P.P. for the State and the learned counsel for the



opposite party no.2.

After perusal of the impugned order it reveals that the learned C.J.M. has not applied his judicial mind in passing the impugned order. He has not written the impugned order himself, only the word “**laKku**” and Sri Santosh Kumar Gupta have been written in the impugned order which goes to show that the impugned order is mechanical order. Some one has written the order and the learned C.J.M only wrote the word “**laKku**” and Sri Santosh Kumar Gupta. Passing of such type of order has been deprecated several times and on this ground alone the impugned order is hereby set aside and the matter is remitted back to the learned C.J.M, Patna for passing afresh order in accordance with law.

Accordingly, this Criminal Miscellaneous stands allowed.

(Jitendra Mohan Sharma, J)

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