

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2967 of 2016

Arising Out of PS.Case No. -457 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN (MOTIHARI)

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1. Jitan Sah Son of Dharikshan Sah Resident of Village- Chikni, P.s Raxaul,
District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jaimangal Singh son of late Amir Singh Resident of Village- Chikni, P.s Raxaul,
District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 19-09-2018

Heard the learned counsel for the petitioner, O.P. No. 2 as
well as the State.

The present application has been filed for quashing the order
dated 08.09.2015 passed by the learned Additional District & Sessions
Judge VIIIth, East Champaran, Motihari in Cr. Rev. No. 92/2014, whereby
the revisional court has affirmed the order dated 19.05.2014 passed by
learned S.D.J.M., Raxaul at Motihari in Complaint Case No. 457C/2012
and also quashing the order dated 19.05.2014 passed by learned S.D.J.M.,
Raxaul at Motihari in Complaint Case No. 457C/2012.

Learned counsel for the petitioner has submitted that
informant has filed a case before the police stating therein that he is entitled
for compensation due to loss of crops in flood. The petitioner in collusion
with other accused persons has made payment with regard to one acre land



only. There is also allegation of several other irregularities having been committed by this petitioner along with other accused persons in distribution of compensation amount to the farmers for loss of crops.

Learned counsel for the petitioner has submitted that police after investigation found the case false. Thereafter, on the basis of protest petition, cognizance has been taken against petitioner and other accused.

It is further submitted that order of cognizance dated 19.05.2014, taken against B.D.O., has already been quashed by Co-ordinate Bench of this Court by order dated 09.08.2017 passed in Cr. Misc. No. 35954/2014. It is further submitted that this petitioner has no role to play in distribution of compensation amount. His name has come only because he is husband of then Mukhiya.

I.A. No. 1529/2016 has been filed on behalf of petitioner wherein it has been mentioned that on the allegation of irregularity committed in distribution of money of flood relief, assembly question was raised. There was enquiry by Additional Collector, Land Acquisition, East Champaran, Motihari in which no irregularity was found in distribution of compensation for loss of crops. The copy of enquiry report is annexed as Annexure-3 to the I.A. Petition.

From the protest-cum-complaint petition, this Court finds that there is no specific allegation levelled against the petitioner with regard to defalcation of money.

The report of Additional Collector is annexed with I.A. petition wherein it is stated that no irregularity was found by him in



distribution of amount of compensation to the flood relief victims.

It is also apparent that compensation has been paid to the petitioner for his damaged crops. As per survey, the petitioner has suffered loss due to damage of crops of only 1 acre of land. The cheque of Rs. 8,000/- was issued in the name of petitioner for aforesaid damage but petitioner refused to receive the same, which also find mentioned in the order passed by a co-ordinate Bench of this Court dated 09.08.2017 in Cr. Misc. No. 35954/2014.

In view of such, the impugned order dated 08.09.2015 passed by the learned Additional District & Sessions Judge VIIIth, East Champaran, Motihari in Cr. Rev. No. 92/2014 and the order dated 19.05.2014 passed by learned S.D.J.M., Raxaul at Motihari in Complaint Case No. 457C/2012 along with entire criminal proceeding against the petitioners are hereby quashed.

This Criminal Miscellaneous is, accordingly, allowed.

(Sanjay Priya, J.)

Rakhi

AFR/NAFR	
CAV DATE	N.A.
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