

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 22006 of 2000

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Sushil Kumar Modi Son of Shri Moti Lal Modi, M.L.A., Patna Central,
Leader of Opposition, Bihar Legislative Assembly, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Rabindra Kumar Rana, M.L.A. Gopalpur Assembly, Bihar Legislative
Assembly, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate
Mr. Kumar Ravish and
Mr. G. K. Agrawal, Advocates

For the Opposite Party/s : None

For the State : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 29-11-2018

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

2. Despite valid service of notice on the opposite party
no. 2, nobody appears on his behalf when the case was taken up
and heard.

3. The petitioner has moved the Court under Section 482
of the Code of Criminal Procedure, 1973 for the following relief:



“That this is an application for quashing the order dated 18.01.2000 passed by S.D.J.M., Naugachia in Complaint Case No. 141 of 1999 whereby and whereunder the learned S.D.J.M. has taken cognizance under Sections 500/501/502/504 r/w 120 B of the Indian Penal Code against the petitioner and 15 others, upon a complaint petition filed by complainant opposite party no. 2.”

4. The allegation made in the complaint filed by Opposite Party No. 2, against the petitioner and fifteen others relates to an incident which took place within the jurisdiction and area from where the Opposite Party No. 2, was the then sitting M.L.A. and where a group of women, who had gone for training were allegedly subjected to harassment and also molestation and even rape. The incident snowballed into a major issue and various parties became involved and the matter was also highlighted in the Media at the relevant time. In such reports, many of the accused are said to have given specific statement against the Opposite Party No. 2, roping him in the incident based on which he has filed a complaint case in which the Court below has taken cognizance under Sections 500/501/502/504 and 120B of the Indian Penal Code as against the petitioner and fifteen others.

5. Learned counsel for the petitioner submitted that from the entire pleadings and statements/averments made in the complaint petition, there is not even a whisper against the



petitioner and because at the relevant time, he was leader of the opposition in the Assembly, the complainant being M.L.A. of the ruling party has made the petitioner an accused purely for political reasons.

6. Learned A.P.P. for the State was not in a position to controvert the averments and submissions made by learned counsel for the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that a case has been made out for interference. The petitioner nowhere being involved in whatever allegations have been made in the complaint petition, coupled with the fact that the allegation of involvement of the Opposite Party No. 2 was based on various grounds and also the report of the C.I.D., and the petitioner not being referred to in the complaint petition, the Court finds that him being made an accused is absolutely unwarranted and cannot be sustained.

8. For the reasons aforesaid, the application succeeds. The order dated 18.01.2000 passed by the S.D.J.M., Naugachia in Complaint Case No. 141 of 1999 taking cognizance under Sections 500/501/502/504 and 120B of the Indian Penal Code, as against the petitioner, is quashed.



9. The application stands allowed in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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