

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33130 of 2014

Arising Out of PS.Case No. -1131 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Tarun Kumar Keshri Son of Late Rameshwar Prasad Keshri Resident of Mohalla-Mohaddinagar, P.S.-Muzahidpur, P.O.-Mirzanhat, District-Bhagalpur.
 2. Tribhuwan Vishwakarma Son of Late Panchdeo Vishwakarma, Resident of Mohalla-Ishakchak, P.O. + P.S.-Ishakchak, District-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Bharat Bhushan Padamdeo Sonof Naresh Mohan Padamdeo Resident of Village-Runnuchak, P.S.-Nathnagar, District-Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek
For the Opposite Party/s : Mr. Tarun Prasad Mandal
For the State : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date: 08-01-2018

The petitioners have challenged the order dated 24.03.2014 passed by the learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Complaint Case No. C 1131 of 2013, whereby cognizance has been taken under Sections 167, 218, 504, 34 of the Indian Penal Code as well as the order dated 25.06.2014 passed by learned Sessions Judge, Bhagalpur in Cr. Revision No. 133 of 2014, whereby the order of cognizance has been confirmed.

The petitioners are Circle Officer and Revenue Clerk of the concerned revenue District respectively. The complainant/opposite party No. 2 has alleged that despite having deposited rent, even on demand, the rent receipts were not given by



the petitioner No. 2. When he made a complaint of the aforesaid fact to the petitioner No. 1, who at the relevant time was the Circle Officer, he asked him to come back on the next date and on the next date, unnecessary questions were asked by him and the complainant was also humiliated.

Mr. Vivekanand Vivek, learned counsel for the petitioners has submitted that complainant/opposite party No. 2 had deposited rent with respect to 68 decimals of land, whereas the land in the name of the parents of the complainant/opposite party No. 2 was of a bigger measurement. A notice was issued to the complainant/opposite party No. 2 to show cause as to why the rent with respect to lesser measurement of land was being paid by him, to which, till date, no reply has been filed by the complainant/opposite party No. 2.

Learned counsel for the petitioners has submitted that absolutely no case has been made out against the petitioners and only because the complainant/opposite party No. 2 could not furnish necessary information, therefore, he was not handed over rent receipt.

It appears that accusation against the petitioners has been made without any basis. Learned counsel for the petitioners has further submitted that after the order taking cognizance, there has not been any progress in the case.



Considering the aforestated facts, the order dated 24.03.2014, whereby cognizance has been taken against the petitioners by learned Judicial Magistrate, 1st Class, Bhagalpur in connection with learned Complaint Case No. C 1131 of 2013 as well as the order dated 25.06.2014 passed by learned Sessions Judge, Bhagalpur in Cr. Revision No. 133 of 2014, whereby the order of cognizance has been confirmed, are set aside.

The petition stands allowed.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09/01/2018
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