

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9546 of 2015

Arising Out of PS. Case No.-69 Year-2010 Thana- BUDDHACOLONY District- Patna

Sanjeev Jayasawal, S/o Sri Baidyanath Prasad Jayaswal, Resident of Village and P.S. Ghorasahan, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Indira Gupta, Advocate, Wife of Sri Pankaj Kumar Gupta, Patna High Court, Advocate Association, High Court, Patna, P.S. - Kotwali, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Narendra Kumar Singh, Advocate Mr. Binod Kumar Sinha, Advocate Mr. Akansha, Advocate
For the Informant	:	None
For the State	:	Mr. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-10-2019

Heard learned counsel for the parties.

2. The petitioner has challenged the order of cognizance dated 05.09.2011, passed by the learned Chief Judicial Magistrate, Patna, in Buddha Colony P.S. Case No. 69 of 2010.

3. Notice has personally been served on opposite party no. 2 but no one appears.

4. The impugned order was already quashed on the prayer of co-accused Ajit Nath Sahay and Srimati Kumkum Sahay by a Coordinate Bench of this Court vide order dated 06.02.2015 passed in Cr. Misc. No. 34427 of 2011 (Annexure-5). Ajit Nath Sahay and Srimati Kumkum Sahay were landlord of the informant.



Informant had marital incompatibility with her husband which often led to unpleasant situation in the house as well as locality. Hence, landlord decided to terminate the tenancy and asked the informant to vacate the premise but instead of doing so, false criminal case was launched with allegation against the petitioner that the petitioner happens to be friend of the landlord and attempted to ravish the informant. The Court had perused the case diary wherein there is no independent corroboration, rather the material was in support of the case and claim of the accused persons.

5. Considering the facts aforesaid, the impugned order is hereby quashed against the petitioner also and this application is allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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