

Arising Out of PS. Case No.-1995 Year-2016 Thana- PURNIA COMPLAINT CASE District-
Purnia

Ajanta Paul D/o Hirendra Narayan Paul Resident of Village-Dhamdaha, Ward No.08, P.S.-Dhamdaha, District-Purnea. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Singh S/o Sugandhi Singh Resident of Village-Sardiha, P.S.-Simri Bakhtiyarpur, District-Saharsa. At present Secretary B.N.C. College Dhamdaha, P.S.-Dhamdaha, District-Purnea.
3. Ajendra Kumar Singh S/o Sri Baijnath Prasad Singh Resident of New Shastrinagar, P.S.-K.Hat, District-Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
Mr. Bijendra Kumar Singh
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-05-2022 Heard learned counsel for the parties.

2. The petitioner has challenged the order dated 24.01.2020 passed by the learned Additional Sessions Judge, 8th Purnea by which the Criminal Revision No. 162 of 2019 preferred by her was dismissed and the order dated 16.10.2019 passed by the learned Chief Judicial Magistrate, Purnea in Complaint Case No. 1995 of 2016 was confirmed.

3. The story in nutshell is that the complainant is a Teaching Staff of B.N.C. College, Dhamdaha (henceforth for short 'the College') while Opposite Party No. 2, namely, Ashok Singh is the Secretary while the Opposite Party No. 2, namely, Ajendra Kumar Singh is non-teaching staff and the third accused Thakur Nand Kishore Singh who was the Accountant



cum Head Clerk of the said College is now dead.

4. The allegation in the complaint by the petitioner was that she was issued a cheque of Rs. 10,000/- under the signature of the Opposite Party No. 2 and the In-Charge of that College as her remuneration. However, the same could not be cleared in view of the fact that it was a non-operative account. It is alleged that when she visited the College and went to the Chamber of Thakur Nand Kishore Singh, she found glasses on the Table and could smell that there is wine. When she complained about non payment of her amount, it has been alleged that the accused Ashok Singh caught hold of her hand. Further on the order of Thakur Nand Kishore Prasad Singh, Opposite Party No. 2, Ajendra Kumar Singh locked the door and it is further stated that they used filthy language as also pulled her sari. In short, she has narrated that all three of them tried to outrage her modesty. She went to the police station to lodge FIR and upon refusal of the police to do so, the complaint was filed.

5. On 02.02.2018, the learned Additional Chief Judicial Magistrate -8th Purnea found sufficient reason for issuance of process under Section 204 of the Cr.P.C. for the offence under Section 354A of the Indian Penal Code observing that *prima facie* case is made out against all the accused



persons.

6. Aggrieved, the Opposite Party No. 2 herein preferred a Criminal Revision No. 26/18/CIS 26/18 against the said order dated 02.02.2018 by the learned ACJM -1st, Purnea.

7. The learned Additional Sessions Judge First Track Court No. II, Purnea vide an order dated 21.02.2019 allowed the said criminal revision and directed the Chief Judicial Magistrate, Purnea to pass a fresh order.

8. Accordingly, the Chief Judicial Magistrate, Purnea started the proceeding afresh and vide order dated 16.10.2019 dismissed the same holding that the complainant had put forward the same facts which were earlier considered for taking cognizance but was disallowed by the learned Additional Sessions Judge, First Track Court No. II, Purnea and in view of the fact that no fresh material has been brought on record to substantiate the allegation, the complaint filed by her was rejected under Section 203 of the Cr.P.C.

9. Aggrieved by the said order, the petitioner preferred a Criminal Revision No. 162 of 2019 which also came to be dismissed on 24.01.2020 by the Court of learned Additional Sessions Judge 8th, Purnea holding that the impugned order passed by the learned Chief Judicial Magistrate, Purnea is



proper, legal and need no interference.

10. Aggrieved, the present application under Section 482 of the Cr.P.C. has been filed assailing the said order dated 24.01.2020 passed in Cr. Revision No. 162 of 2019 as also the order dated 16.10.2019 passed in Complaint Case No. 1995 of 2016.

11. This Court has gone through the reasoned orders, dated 16.10.2019 passed in Complaint Case No. 1995 of 2016 by the learned Chief Judicial Magistrate, Purnea as also the order dated 24.01.2020 passed in Cr. Revision No. 162 of 2019 by the learned Additional Sessions Judge 8th, Purnea and see no infirmity in it. Once the learned Sessions Judge remanded the matter back to the learned Chief Judicial Magistrate, Purnea in absence of any sufficient materials, the learned Court fairly rejected the complaint of the petitioner which stands confirmed by the learned Additional Sessions Judge 8th, Purnea.

12. The complaint preferred under Section 482 of the Cr.P.C. is without any merit and the same is hereby dismissed.

(Rajiv Roy, J)

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