

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40266 of 2015

Arising Out of PS. Case No.-2028 Year-2012 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Neelam Kumari Wife of Sri Umesh Chandra Sinha resident of 102, Sushma Apartment, Rajendra Nagar, Road No. 10, Police Station-Kadamkuan, District – Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ram Naresh Ram Son of Sri Kailash Ram resident of village - Gamhariya, Police Station - Jadopur, District - Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. C. Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-02-2023 No one appears on call.

The petitioner has moved this Court for quashing of the order dated 24.04.2014 passed by learned Chief Judicial Magistrate, Gopalganj in Complaint Case No.2028 of 2012 under Sections 385 and 504 read with 34 of the Indian Penal Code.

Earlier the petitioner had moved in Cr. Misc. No.19515 of 2015 which was disposed of with liberty to file another application after bringing on record all the relevant documents.

Aforesaid order was passed after observing that the summoning order has been passed not only on the basis of



complaint but also after taking into consideration the statement of the complainant on oath as well as deposition of the inquiring witnesses. However, neither the statement of the complainant nor the deposition of the witnesses were annexed.

Now in the present petition, the documents are on record. A perusal of same shows that the complainant as well as witnesses have narrated that when Savitri Devi went to the office of CDPO for her appointment, she was asked to pay Rs.60,000/- to Kanchan Devi. As Savitri Devi showed her inability to do so, she was abused and the caste name was taken. Subsequently, she was thrown out of the office.

From the aforesaid facts, it is clear that the order in question was rightly passed by the learned Chief Judicial Magistrate, Gopalganj on 24-04-2014 under Section 385, 504 read with 34 of the I.P.C.

However, as no one has appeared the petition stands dismissed for non-prosecution with liberty to raise all the points before the trial court at an appropriate stage.

(Rajiv Roy, J)

Prakash Narayan /-

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