

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39260 of 2015

Arising Out of PS. Case No.-874 Year-2013 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Lal Pathak son of Late Dukauri Pathak, Resident of Village- Mahishi, P.S.-
Mahishi, District- Saharsa.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Jay Lal Sada son of Kishan Sada. Resident of Village- Mahishi, P.S.-
Mahishi, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-02-2023 No one appears on call on behalf of the petitioner.

The present petition has been preferred for quashing
of the order dated 5.12.2013 passed by learned Judicial
Magistrate-1st Class, Saharsa, in Complaint Case No. 874C of
2013 by which cognizance has been taken under sections 148,
323, and 341 of the Indian Penal Code.

As per the prosecution story, the complainant used to
work with the accused persons for which payments were not
made and when he demanded his labour charge, firstly false
promises were made and later after using abusive words, he was
slapped.

Aggrieved, he went to Maheshi P.S. as the police



failed to lodge the FIR, the complaint.

The witnesses were examined whereafter cognizance was taken by the learned Judicial Magistrate-1st Class, Saharsa on 5.12.2013.

This Court does not find any merit in the petition and the learned Court has rightly taken cognizance in the matter.

However, as no one appears on call, the petition is dismissed for non-prosecution with liberty to the petitioner to raise all the points at an appropriate stage before the trial court.

(Rajiv Roy, J)

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