

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38119 of 2015

Arising Out of PS. Case No.-251 Year-2012 Thana- MUFFASIL District- West Champaran

1. Vandana Singh and Ors wife of Awadhesh Pd. Singh
2. Awadhesh Pd. Singh, son of Banarshi Singh
3. Abhinav Prasad Singh son of Awadhesh Pd. Singh All resident of village- P.S.- Bettiah Muffasil, District- West Champaran

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Neelam Devi, wife of Arun Kumar, Resident of village- Banu Chhapra, P.S. Bettiah Muffasil, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Sharma
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-03-2023 Heard the parties.

This application has been filed on behalf of the petitioner for quashing the order dated 27.11.2014 passed by learned Judicial Magistrate, III, Wesh Champaran at Bettiah in connection with West Champaran (Muffasil) P.S. Case No. 251 of 2012.

Prosecution story in short is that petitioner No. 01 Vandana Singh filed a complaint before Bihar State Human Right Commission under the Bihar State Human Rights Commission Protection Act, 1993 against the above mentioned complainant and considering the case of the petitioner Vandana



Singh and passed order dated 23.05.2012 that the C.D.P.O. to take action against Neelima Devi, Reena Devi and other co-accused. Then the C.D.P.O. after investigating the matter clearly alleged allegation against the complainant Smt. Neelima Devi wife of Arun Kumar and Smt. Renu Devi Wife of Brij Bhushan Prasad. The C.D.P.O. Bettiah lodged the F.I.R. against the predecessor C.D.P.O. Smt. Neelima Devi wife of Arun Kumar (Centre No. 03) Anganbari Sevika and Renu Devi (Centre No. 05) Anganbari Sevika and other co-accused under Section 419, 420, 647, 468, 471, 409 and 120B read with Section 34 of the Indian Penal Code vide Muffasil P.S. Case No. 251 of 2012 dated 02.06.2012.

The Police after investigation submitted final form finding the allegations to be false.

The learned Magistrate by the impugned order has mentioned above has differed with the final form.

It has been argued by the learned counsel for the petitioners that the impugned order of cognizance has been passed without giving any reasons and it is a cryptic order. No material which has been relied upon for taking cognizance has been discussed in the impugned order.

Once the Magistrate wants to differ with the final



form he ought to have passed a reasoned order and should have discussed the materials available on record.

Learned counsel for the State and the Opposite Party No. 02 have submitted that materials have come during investigation which support the allegation against the petitioners and the impugned order of cognizance is passed on materials.

I have considered the submissions of the parties.

It is an admitted fact that impugned order of cognizance dated 27.11.2014 is a non-speaking order and any order by a Judicial Authority which is a non-speaking order is no order in the eye of law and cannot be sustained.

In that view of the matter, this application is allowed.

Accordingly, the order dated 27.11.2014 passed by learned Judicial Magistrate, III, Wesh Champaran at Bettiah in connection with West Champaran (Muffasil) P.S. Case No. 251 of 2012, is hereby quashed.

(Sandeep Kumar, J)

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