

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45641 of 2015

Arising Out of PS. Case No.-356 Year-2014 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

Ashish Kumar S/o Fateh Bahadur Singh, R/o Hari Ji Ka Hata, South Ramana Maidan, P.S. Ara, P.S. - Bhojpur, A/P Assistant Electrical Engineer, Electric Supply Sub Division, Hilsa, P.S. Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Vijay Kumar Sharma, S/o Madan Singh, R/o Aryaamaj Road, Hilsa, P.S. Hilsa, District - Nalanda.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr.Ajay Kumar Sharma
For the Opposite Party/s :	Mr.Sanjay Kr. Singh
	Mr.Vibhuti Ranjan Sonvadra

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. ORDER

6 27-09-2023 This application has been filed for quashing the order dated 31.03.2015 passed in Complaint Case No. 356(c) of 2014 by Additional Chief Judicial Magistrate, Hilsa, Nalanda, whereby the petitioner has been summoned to stand trial for the offences under section 341, 323, 504/34 of the Indian Penal Code.

At the threshold, learned counsel for the petitioner submits that the entire prosecution is vitiated as no prior



sanction was obtained before proceeding against the petitioner who is a public servant. Petitioner is posted as Sub Divisional Officer and on a complaint made by the Complainant regarding wrong calculation of electric bill he constituted a committee for the inspection of the premise of the complainant by official order dated 03.03.2014. The committee submitted the report dated 18.04.2014 which disclosed the illegal act committed by the complainant. The aforesaid action was done in discharge of his official duty. Besides the above, learned counsel submits that complainant is a litigant person and used to represent the authorities of the electricity department for pressurizing them to remit the bill amount on the false ground of miscalculation and similarly in order to save skin from the illegal acts done by him and to put unnecessary pressure on the authorities of the electricity department the present false case has been lodged.

Learned counsel appearing for the opposite party no.2 submits that the petitioner in the pretext of inspection entered into the premise of the opposite party no. 2 and took away laptop worth Rs. 40,000/- and as such exceeded from his duty and abused the power.

Considering the submissions advanced on behalf of the parties and the fact that no prior sanction was obtained, the



order dated 31.03.2015 passed in Complaint Case No. 356(c) of
2014 by Additional Chief Judicial Magistrate, Hilsa, Nalanda,
is, hereby quashed.

The application stands allowed.

(Arvind Srivastava, J)

mcv/-

U		T	
---	--	---	--

