

Janak Kumar Singh Vs. State of Bihar and anr

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Court : Patna

Decided On : Aug-20-2013

Appellant : Janak Kumar Singh

Respondent : State of Bihar and anr

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.56289 of 2007

===== Janak
Kumar Singh, son of late Ramhit Singh, r/o village & P.O. Darihara Nishak, P.S.
Daryapur, Distt. Saran at Chapra, at present Professor (Superintending Engineer),
Research, Action Research Programme and Participatory Irrigation Management,
Water & Land Management Institute, Phulwari Sharif (An autonomous body under
the Water Resources Department, Government of Bihar, Patna). Petitioner/s
Versus 1. The State of Bihar 2. Ram Sagar Sahu, son of late Madhuri Sahu, r/o
Mohalla Indira Colony, Uttardah, P.S. Muzaffarpur Sadar, Distt. Muzaffarpur.
Opposite Party/s

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Appearance :	For the Petitioner/s :	None	For the State :	Mr. R.B. Roy Raman,
A.P.P.	For	the	Opposite	Party
			No.	2:
				None.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH ORAL

JUDGMENT

Date:

20. 08-2013 Anjana Prakash, J: No one appears on behalf of the Petitioner and the Opposite Party No. 2 nor his legal heirs.

2. It is not known as to whether the Complainant after his death has been substituted by the legal heirs in the Court below. However, since none appears to apprise this Court on this issue, I wish to deal with the merits as well.

3. The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 21.2.2007 passed in Complaint Case No. 1340 of 2005, Trial No. 2226 of 2007 by the Judicial Magistrate, 1st Class, Muzaffarpur.

4. The case of the Complainant is that when he went to the office of the Petitioner he demanded a sum of Rs. 15,000/- for Patna High Court Cr.Misc. No.56289 of 2007 dt.20-08-2013 2/2 payment of retrial dues and correction of penal rent and he was also assaulted with fists and slaps and he also committed theft of his personal belongings.

5. It appears that the Complainant after his retirement on 31.1.2004 failed to vacate the Government quarter which was allotted to him and the Petitioner being the Superintending Engineer was taking an action against him to vacate the same. Evidently on account of anger the present Complaint was filed as retaliation.

6. Considering such aspect of the matter, the application is allowed and the entire proceeding including the order of cognizance dated 21.2.2007 passed by the Judicial Magistrate, 1 st Class, Muzaffarpur, in Complaint Case No. 1340 of 2005, Trial No. 2226 of 2007 is, hereby, quashed. (Anjana Prakash, J.) Patna High Court, Patna Dated, the 20th August, 2013 NAFR/S.Ali

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