

Arti Devi Vs. State of Bihar and ors

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Court : Patna

Decided On : Aug-20-2013

Appellant : Arti Devi

Respondent : State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous  
No.54719 of 2007

===== Arti  
Devi wife of Shri Akhilesh Kumar Singh, Ward Parshad, Ward No.3, Nagar  
Panchayat Bodhgaya, P.S. Bodhgaya, District Gaya, presently Chairman,  
Bodhgaya Nagar Panchayat, District Gaya .... .... Petitioner/s Versus 1. The State  
of Bihar 2. Rajya Nirwachan Ayog, Bihar, Patna 3. Zila Nirwachan Padadhikari-  
sah-Zila Padadhikari, Gaya 4. Sri Navneet Ranjan Tiwari, Nirwachi Padadhikari,  
Nagar Panchayat Bodhgaya- sah-Anumandal Padadhikari, Sadar, Gaya .... ....  
Opposite Party/s

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Appearance : For the Petitioner/s : Mr. Indra Deo Prasad, Advocate For the State :  
Mr. B.P. Singh, A.P.P. For Opposite Party No.2 : Mr. R.S. Pradhan, Sr. Advocate  
Mr. Rajeev Lochan, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH ORAL

JUDGMENT

Date:

20. 08-2013 The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 19.5.2008 passed by the Chief Judicial Magistrate, Gaya in Bodhgaya P.S. case No.159 of 2007 (G.R. No.2661 of 2007 Trial No.1546 of 2008). The prosecution case is that the Petitioner, who was contesting the election of the Ward Commissioner, was mentioned twice in the electoral roll and hence the present prosecution. The submission of the Petitioner is that even if her name found mention at two places, she has not committed any irregularity since she is not the person, who had prepared the roll nor had she in any manner violated the Code of the election, which is evident from Patna High Court Cr.Misc. No.54719 of 2007 dt.20-08-2013 2 the format of the election form. Learned Counsel for the Election Commission submits that since the Petitioners name was found twice on the electoral roll she should be prosecuted. Considering the facts of the case and that the Petitioner could not be held liable for the wrong entry in the electoral roll which has no bearing on the entries in the declaration as a candidate for Ward Commissioner, the application is allowed and the entire proceeding including the order dated 19.5.2008 passed by the Chief Judicial Magistrate, Gaya in Bodhgaya P.S. case No.159 of 2007 (G.R. No.2661 of 2007 Trial No.1546 of 2008) is hereby set aside. (Anjana Prakash, J) NAFR/Narendra/-

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