
(2006) 04 JH CK 0053
In the Jharkhand High Court
Case No : W.P (Cr.) No. 269 of 2004

Deo Lakhan Paswan

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

Date of Decision : 05-04-2006

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 202
Penal Code, 1860 (IPC) — Section 323, 500, 504

Citation : (2006) 3 JCR 136

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Advocate : Sunil Kumar Sinha, for the Appellant; Rajiv Rajan Mishra, G.P.-II, P.C. Tripathy and Praveen Pandey, for the Respondent

Final Decision : Dismissed

Judgement

Amareshwar Sahay, J.—Heard.

2. In this writ application, the petitioner has prayed for quashing of the order dated 12.8.1999 taking cognizance for the offence under Sections 500, 504 and 323 of the Indian Penal Code against the petitioner.

3. It appears that the Complaint Case No. 391 of 1999 was lodged before the S.D.J.M. Daltonganj by the Complainant (respondent No. 2) against the petitioner alleging therein that he not only abused the complainant but also assaulted by throwing Paper Weight causing injuries on his leg. Learned S.D.J.M., on the basis of statements made in the complaint petition as well as from the statements made by the witnesses examined during the enquiry u/s 202, Cr PC took cognizance against the petitioner and prima facie case was made out against the petitioner for commission of the offence under Sections 500, 504 and 323 of the IPC.

4. Learned Counsel appearing for the petitioner submits that the prosecution of the petitioner was mala fide as he had passed an order for reversion against the

complainant and some other persons and therefore, in view of the said facts, the prosecution of the petitioner is liable to be quashed.

5. In my view, the submissions of the learned Counsel for the petitioner is wholly misconceived in view of the fact that there is clear cut allegations against the petitioner in the complaint petition and further that the learned S.D.J.M. after making enquiry u/s 202, Cr PC found prima facie case against the petitioner and then he took cognizance of the offence therefore, the learned S.D.J.M. rightly refused to drop the criminal proceeding against the petitioner.

6. Accordingly, I find no merit in this writ application. It is accordingly dismissed.