
(2011) 04 PAT CK 0224

In the Patna High Court

Case No : Criminal Miscellaneous No. 11983 of 2003

Dr. Kameshwar Jha

APPELLANT

Vs

The State of Bihar and Prof. Sujit Kumar Bose

RESPONDENT

Date of Decision : 25-04-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, 34, 504, 506

Citation : (2011) 3 PLJR 652

Hon'ble Judges : Sheema Ali Khan, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sheema Ali Khan, J.—Heard Counsel for the Petitioner and the A.P.P.appearing on behalf of the State. Nobody appears on behalf of Opposite Party No. 2 to pursue this matter.

2. This application has been filed for quashing the order dated 10.04.2003 passed in Complaint Case No. 677 C of 2001 by which the Judicial Magistrate, 1st Class, Begusarai has taken cognizance for the offences under Sections 323, 504, 506/34 of the Indian Penal Code. The complainant is the teacher of G. D. College, Begusarai whereas at the relevant time, the Petitioner was the Principal of the said college.

3. The complaint petition was initially dismissed. The complainant filed revision against the order of dismissal of the complaint petition and the Revisional Court directed that it should go for further enquiry and after further enquiry, cognizance was taken in this case.

4. The allegation in the complaint petition is that the complainant asked for the statement of arrears of pay due to him. It is alleged that the Petitioner refused to provide him the statement of arrears and the following incident took place.

5. On the basis of the aforesaid allegations, cognizance has been taken in this

case.

6. The entire case appears to have been filed due to some hidden reason as there was no occasion for the Principal of a College to behave in such a manner. It would appear from the statement aforesaid that the complainant was also using harsh words, for which he was rebuffed. The statement of arrears would be available from many sources and most of all the Petitioner himself would be roughly knowing what the arrears of pay etc. was due to him. Moreover, the statement made by the Petitioner does not constitute an offence u/s 323 of the Indian Penal Code as no injury or even an attempt of physically touching the complainant was not done by this Petitioner. Similarly, it cannot be said that the Petitioner would be responsible for criminal intimidation, by uttering the sentence. Even if the allegations are accepted to be true, the allegation that the Petitioner refused to give the statement of arrears to the complainant and told him not to bother him, otherwise he would break his hands and legs does not in itself constitute any offence.. These words were also told in a polite language, it is not as if the Petitioner had used any unparliamentary language or harsh language, while making such a statement. On the whole, it appears that the allegations levelled are absurd as the complainant has not stated what his dues were or the period for which he was making a claim and the like.

7. In the facts aforesaid, I do not find that the Petitioner can be punished for offences u/s 323, 504 and 506/34 of the Indian Penal Code. Accordingly, the order dated 10.04.2003 passed in Complaint Case No. 677 C of 2001 is quashed.

8. In the result, this application is allowed.