
(2006) 10 PAT CK 0023

In the Patna High Court

Case No : Criminal Miscellaneous No. 28948 of 2006

Sant Shevak Prasad Sinha and Others

APPELLANT

Vs

The State of Bihar and Another

RESPONDENT

Date of Decision : 19-10-2006

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, 341, 384, 420, 447

Citation : (2007) 2 PLJR 393

Hon'ble Judges : Sadanand Mukherjee, J

Bench : Single Bench

Judgement

Sadanand Mukherjee, J.—Heard. This is an application for quashing the entire criminal proceeding including the cognizance taken against the petitioners under Sections 323/341/447/420 and 384 of the Indian Penal Code on 21.4.2006 in Complaint Case No. CR 10/06 TR 1771/ 06 filed before the 1st Class Judicial Magistrate, Dalsinghsarai, District -Samastipur.

2. It has been submitted on behalf of the petitioners that no case is made out against the petitioners even then cognizance has been taken under Sections 323/341/447/420 and 384 of the Indian Penal Code against the petitioners.

3. The complaint petition is Annexure-"2". It has been alleged in the complaint petition that accused no. 1 got illegally three kathas of land, in which the complainant has also got his right over 10 dhooors of land in the names of his three sons. It has also been alleged that on 8.1.2006 at 7 A.M. when the complainant went to irrigate potato field then, accused no. 1 objected but the complainant did not get ready whereupon the accused no. 1 went back to his house and thereafter he along with others came again and assaulted the complainant by fists and slaps. In the mean time, accused no. 1 abusing the complainant ordered to get signature on the stamp paper whereupon the accused no. 2 took the stamp paper of Rs. 100/- from his pocket and handed over the same to the accused no. 3. Thereafter accused no. 3 asked the complainant for making his signature for which the complainant did not agree.

Then accused no. 4 took out a dagger and threatened the complainant that he would commit his murder if he would not sign on the stamp paper. Thereafter the complainant made his signature on the stamp paper. After taking the signature of the complainant on the stamp paper, accused no. 3 handed over the same to accused no. 2 who kept the same in his pocket.

4. It has also been submitted that the complaint case is false and concocted. The petitioners are bonafide purchasers of the said land. It has also been submitted that the petitioners have not committed any offence.

5. At this stage, the case has to be considered on the complainant's point of view. The petitioners have filed a number of annexures and supporting documents to show that they are bonafide purchasers of the said land. No doubt, the same may be looked into but since the case is at the stage of cognizance, the case can be assessed only on the complainant's point of view. The cognizance under the aforesaid sections accordingly has been taken against the petitioners. The petitioners shall take all these pleas producing all these documents in the court below at the stage of framing of charge, The learned court below shall consider all the pleas of the petitioners, hear the parties and pass an order according to law. With the aforesaid observations, this application stands disposed of.