
(2013) 09 PAT CK 0106

In the Patna High Court

Case No : Criminal Miscellaneous No. 35104 of 2000

Vijay Shanker Dubey

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 13-09-2013

Acts Referred:

Citation : (2013) 4 BLJud 230

Hon'ble Judges : Anjana Prakash, J.

Bench : Single Bench

Advocate : Mr. Naresh Dixit, Advocate, for the Petitioner; Mr. J.K. Singh, APP, for the Opposite Party

Final Decision : Dismissed

Judgement

Anjana Prakash, J. (Oral)—The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 08.09.1999 passed by the Chief Judicial Magistrate, Siwan in G.R. Case No. 246 of 1998 (G.R. No. 701 of 2000).

2. The case of the informant is that despite a prohibitory order the Petitioner who was a BJP leader held a public meeting and thus committed an act of punishment under Sections 143 and 171(H) of the Indian Penal Code.

3. It has been submitted that the background facts of the case is that in fact on 29.01.1998 one member of ruling party went on the house of another and assaulted him on account of which Ander P.S. Case No. 10 of 1998 was instituted as against him in which subsequently charge-sheet was submitted and cognizance taken. It is in protest to this act of the political person that a "bandh" was called for in the area. Since there was an apprehension of breach of peace the Petitioner who was also a political worker rushed to the place of occurrence to know the situation and on his intervention the matter subsided. However, the present First Information Report was instituted in the meanwhile and charge-sheet was submitted.

4. Considering the facts of the case, the application is allowed and the entire proceeding including the order of cognizance dated 08.09.1999 passed by the Chief Judicial Magistrate, Siwan in G.R. Case No. 246 of 1998 (G.R. No. 701 of 2000) is, hereby, set aside.