

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4556/2009

(From the judgement and order dated 04/08/2008 in CRM No.
17018/2006 of The HIGH COURT OF PATNA)

RAJESH KUMAR JHA @ RAJESH KUMAR

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T.,stay and office report)

Date: 25/01/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s)Mr. M.P. Jha,Adv.
Mr. Ram Ekbal Roy, Adv.
Mr. Harshvardhan Jha, Adv.

For Respondent(s)Mr. Gopal Singh,Adv.
Mr. Anuj Prakash, Adv.
Mr. Chandan Kumar, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of signed order.

(Shashi Sareen)
Court Master

(Shashi Bala Vij)
Court Master

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 191 OF 2010
[ARISING OUT OF SPECIAL LEAVE PETITION (CRL.) NO. 4556/09]

RAJESH KUMAR JHA @ RAJESH KUMAR& APPELLANT

VERSUS

O R D E R

1. Leave granted.

2. The brief facts of this case are that the respondent No. 2 Anandi Prasad Sharma filed a complaint case bearing No. 98-C of 2004 before the Court of learned Chief Judicial Magistrate, Munger alleging therein that on 8.2.2004, the appellant along with four other persons trespassed into his premises and plucked wood apples. It is also alleged that when respondent No. 2 objected, the appellant and other persons abused and threatened him.

3. Learned Judicial Magistrate, Munger, by order dated 10.3.2004, found prima facie case under Sections 447, 379, 504 of Indian Penal Code against the appellant and issued summons.

4. Against the order of issuance of summons, appellant filed

an application under Section 239 Cr.P.C. before the Court of Judicial Magistrate, Munger for discharging him from the charges of Sections 447, 379 and 504 I.P.C. which was dismissed vide order dated 17.3.2005.

5. The appellant challenged the legality of order dated 17.3.2005 by filing a Criminal Revision No. 154 of 2005. By judgment dated 30.1.2006, learned Additional Sessions Judge, Munger dismissed the said Criminal Revision.

6. Aggrieved by the judgment passed by the learned Additional Sessions Judge, the appellant preferred Criminal Misc. No. 17018 of 2006 before the High Court of Patna for quashing of trial which was also dismissed vide order 4.8.2008. The said order of the High Court is in challenge before us.

7. Having heard learned counsel appearing for the parties at length, in our view, the doctrine of de minimis non curat lex will apply to the facts of the present case as it was merely a question of 25 wood apples being plucked by the appellant. The law does not take into consideration trifles. There cannot be any offence of criminal trespass or intimidation spelt out from the facts disclosed as the allegations are too general in nature.

8. In view of the above, we hold that the prosecution against the appellant in Compliant Case No. 98C of 2004 for the

offences under Sections 447, 379, 504 I.P.C. is totally uncalled for and is hereby quashed. The High Court judgment is set-aside and the petition under Section 482 Cr.P.C. is allowed.

9. The appeal stands allowed accordingly.

.....J.
[V.S. SIRPURKAR]

.....J.
[AFTAB ALAM]

NEW DELHI.
JANUARY 25, 2010.

