

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18940 of 2013

Arising Out of PS.Case No. -3081 Year- 2004 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Saifullah Khan @ Bhuto Khan & Anr.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-08-2015

The petitioners seek quashing of the order of cognizance dated 28.07.2005 passed by the Judicial Magistrate 1st Class, West Champaran in Tr. No. 96 of 2012 arising out of Complaint Case No. 3081C of 2004.

The case of the complainant is that on the date of occurrence the accused persons entered into her room and committed rape upon her.

The petitioners seek quashing on the ground that the police had submitted a report contrary to the allegations of the complainant.

Considering that under Section 202 Cr.P.C the Magistrate is not empowered to call for a report from the police officers in a sessions trial case, I find no merit in the application. The same is rejected. The trial Court is directed to expedite the trial without giving any unnecessary

adjournment to any party since the matter has been lingering since long without any fault of the complainant.

(Anjana Prakash, J)

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